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भारत सरकार GOVERNMENT OF INDIA गृह मत्रालय MINISTRY OF HOME AFFAIRS

> अनुभाग COD SECTION टिप्प जियां NOTES

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- 66. A member desirous of moving an amendment to a resolution or motion is expected to give at least a day's notice. On receipt of such notice, the branch officer concerned will:—
 - (a) Submit a brief for the Minister; and
 - (b) prepare a supplementary note unless the point raised has been specifically covered by the brief already prepared on the subject.

Action Required to be taken by the Ministries/Departments

- 67. The action required to be taken by Ministries/Departments in connection with Private Members' Resolutions is given below in brief:—
 - (i) On receipt of the result of ballot, the Ministry of Parliamentary Affairs communicates selected Private Members' Resolutions to the Departments concerned, who are expected to prepare a separate brief for each resolution concerning them.
 - (ii) The brief will state categorically whether it is proposed to accept the resolution, or accept it with amendment or oppose it. Five copies (each in English and Hindi versions) of the brief approved by the Minister will be sent to the Ministry of Parliamentary Affairs who will place it before the Cabinet Committee on Parliamentary Affairs and communicate its decision to the concerned Ministry/Department.

No-Day-Yet-Named-Motion

68. If a notice of a motion tabled by a Private Member is admitted by the Speaker/Chairman, it is put down in the list of business of the House concerned for the day on which its discussion is fixed. If, however, no day for its discussion has been fixed, it is notified in the bulletin as a 'NO-DAY-YET-NAMED-MOTION'. On receipt of such a motion, the Ministry/Department concerned will examine it critically and after obtaining the orders of the Minister, inform the Ministry of Parliamentary Affairs whether a discussion thereon is acceptable to them or not. Such information may as far as practicable be supplied within a week of the admission of the motion.

Short Duration Discussion on Matters of Public Importance under Rule 193 of Lok Sabha Rules/Rule 176 of Rajya Sabha Rules.

- 69. Any member desirous of raising a discussion on a matter of urgent public importance for short duration, may give notice thereof in writing to the Secretary-General, Lok Sabha/Rajya Sabha.
- 70. On receipt of the admitted notice, the Parliament Unit of the concerned Ministry/ Department will immediately pass it on to the branch officer concerned who will submit a brief for the Minister on the stand to be taken.

LAYING OF PAPERS ON THE TABLE OF THE HOUSE

Introduction

- 71. "Papers laid on the Table" signify any document, statement, report, rules and regulations, Government Notifications etc. which are laid on the Table of the House in order to bring them on record and thereby to supply authoritative facts and information to Parliament, which form the basis for discussion on various matters in the House.
- 72. Papers are generally laid in compliance with specific provisions contained in the Constitution, various Central Statutes, Rules of Procedure of the House, Directions issued by the Presiding Officers from time to time and the settled practices and conventions in regard thereto and the Recommendations of Parliamentary Committees.

Categories of Papers to be laid

- 73. The Papers laid on the Table of the House are divided into the following categories:—

 Papers laid under the Constitution
- 74. The following papers are laid on the Table in pursuance of various constitutional provisions:—
 - (i) An annual financial statement of the estimated receipts and expenditure of the Government of India i.e. Budget and other documents connected therewith (article 112);
 - (ii) Supplementary, additional or Excess Grants (article 115);
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 - (iv) Reports of the Comptroller and Auditor-General (article 151);
 - (v) Reports of the Finance Commission (article 281);
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 - (vii) Reports of the National Commission for Scheduled Castes and Scheduled Tribes (article 338);
 - (viii) Reports of the Backward Classes Commission (article 340);
 - (ix) Reports of the Special Officers for Linguistic Minorities (article 350B);
 - (x) Proclamation of Emergency (article 352);
 - (xi) Proclamation regarding President's rule in a State (article 356);
 - (xii) Presidential Orders issued under article 359; and
 - (xiii) Proclamation regarding Financial Emergency (article 360)

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- 75. The papers required to be laid under various Statutes are broadly as under:-
 - (i) Annual reports and audited accounts of public undertakings whether incorporated under the Companies Act, 1956 or created under specific Acts of Parliament;
 - (ii) Reports etc. of statutory bodies, other than public undertakings constituted under specific Acts of Parliament. For example, Reports of the National Commission for Women, the National Commission for Minorities and the National Human Rights Commission together with the memorandum of action taken thereon;
- (iii) Rules, sub-rules, regulations, bye-laws framed by the Government in exercise of the power of delegated legislation;
- (iv) Government resolutions, statutory or executive orders or any other papers issued under various Central Statutes;
- (v) Appropriation Accounts and the Audit Reports of the States which are under President's rule under article 356; and
- (vi) Reports under the Commissions of Inquiry Act together with the Memorandum of action taken thereon within a period of six months of submission of the report by the Commission to the Government.

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Papers laid under the Rules of Procedure

76. The following categories of papers are laid on the Table under the Rules of Procedure and Conduct of Business in Lok Sabha:—

- (i) Reports of Select and Joint Committee on Bills;
- (ii) Reports of Standing Parliamentary Committees;
- (iii) Reports of the Department-related Standing Committees;
- (iv) Statements regarding ordinances;
- (v) Rules, regulations etc., as modified in accordance with amendments adopted by both Houses;
- (vi) Bills as passed by Lok Sabha/Rajya Sabha including Bill returned by Lok Sabha/Rajya Sabha with amendments;
- (vii) Bills returned by the President for reconsideration; and
- (viii) Replies to Unstarred Questions or to Starred Questions not reached for oral answer.

Papers laid under Directions by the Presiding Officers

- 77. The following papers are required to be laid under Directions by the Presiding Officers:-
 - (i) Statement by Minister in reply to half-an-hour discussions when a full reply could not be given at the allotted time for the purpose;
 - (ii) Opinions on Bills circulated for the purpose of eliciting public opinion thereon;
 - (iii) Bills assented to by the President;
- (iv) Statement by Minister in response to Calling Attention in case more than one notice is admitted for a day;
- (v) Minutes of Standing Parliamentary Committees; and
- (vi) Documents connected with the report of a Select or Joint Committee.

Papers laid on the Recommendation of a Parliamentary Committee

78. Parliamentary Committee may sometimes make recommendations in their reports presented to the House requiring certain documents, reports, explanatory memoranda etc. to be placed before the House. In Pursuance of such recommendations, the relevant papers are laid on the Table of the House.

General Procedure for Laying the Papers

- 79. The broad procedure to be followed for laying of Papers is indicated below:-
 - (a) At least three clear sitting days notice is required for laying a document of the above kind on the Table of the House.
 - (b) Where papers are proposed to be laid at less than three days notice, it can be done usually only with the permission of the Speaker/Chairman which will be obtained through the Lok Sabha/Rajya Sabha Secretariat.
 - (c) The number of copies to be sent to the Lok Sabha/Rajya Sabha Secretariat for the above purpose is specified by the Lok Sabha/Rajya Sabha Secretariat from time to time.
 - (d) The communication forwarding the copies to the Lok Sabha/Rajya Sabha Secretariat will indicate inter-alia:
 - (i) whether they are to be laid on the Table or they are only meant for distribution to members;
 - (ii) the date on which it is proposed to lay the document in question on the Table of the House;

- (iii) whether the date on which the document is to be laid on the Table of the House is to be fixed in consultation with the Ministry or Parliamentary Affairs; and
- (iv) the name, designation and telephone numbere of the officer from whom additional copies of the document could be obtained, if need be.
- (e) one copy each in Hindi and English, out of (c) above will be duly authenticated by the Minister concerned preferably on the front page of the paper in the form indicated below: "Papers to be laid on the Table of Lok Sabha/Rajya Sabha."

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- (f) two copies of all papers sent to the Lok Sabha/Rajya Sabha Secretariat vide (c) above, will also be sent to the Ministry of Parliamentary Affairs.
- (g) If, for any reason, the Minister concerned is not in a position to be present, the Ministry concerned will inform the Speaker/Chairman in advance the name of the Minister who would lay the paper on his behalf. A copy of this communication will also be endorsed to the Ministry of Parliamentary Affairs and the Table Office, Lok/Rajya Sabha Secretariats, so as to reach them at least one hour before the commencement of the sitting.
- (h) All reports required to be laid on the Table of the House will be released to the press only after they have been so laid. However, reports under the Companies Act, 1956 may be circulated to members directly by the government companies immediately after their annual general meetings and laid on the Table of the House as soon as possible thereafter.
- (i) Papers meant for being laid on the Table of the House will not be sent during the period intervening between the adjournment of the House sine die and issue of notification regarding the commencement of the next session.
- (j) In cases where undue delay occurs in laying a document on the Table of the House, a statement giving reasons for delay will also be laid on the Table.
- (k) When a notification etc. is to be re-laid, it is not necessary for the Ministry to supply authenticated or spare copies thereof. However, where the Minister who had laid the notification etc. has ceased to hold that portfolio and the notification etc. is to be re-laid by a new Minister, a copy thereof duly authenticated by the new Minister should be sent to the Lok Sabha/Rajya Sabha Secretariat along with the communication regarding re-laying.
- (l) In the event of dissolution of Lok Sabha, all notifications etc. which have not been laid for full period prescribed in the parent Act, should be laid afresh after following the prescribed 'Procedure for paper to be laid on the Table' in the new Lok Sabha for the full prescribed period.
- (m) All statutory Rules and Orders required to be laid before the House should be laid as early as possible within a period of 15 days of their publication in the Official Gazette, if the House is in session. If the House is not in session at the time of publication of such statutory Rules and Orders, they should be laid on the Table of the House as soon as possible after the commencement of the next session but in any case within 15 days of such commencement.
- (n) In the case of a State under the President's Rule in pursuance of a proclamation issued under Article 356 of the Constitution, the rules, orders, notifications etc. relating to that State, which are required to be laid before Parliament during the President's Rule may be laid within a period of 30 days instead of the usual period of 15 days laid down for the Government of India rules etc.

Procedure for laying sensitive Notifications

80. The Committee on Subordinate Legislation have laid down the following procedure for laying on the Table "Sensitive Notifications". i.e. those notifications which make changes in export duties, major changes in procedures and changes in import and Central Excise Duties involving revenue of more than Rs. 50 lakhs per annum, except cases where an existing concession is being continued.

When Lok Sabha is in Session

- 81. (1) All sensitive notifications should be published in Gazette extraordinary.
 - (2) If such a notification is sent to the Press for issue before 6 p.m., it should be laid on the Table on the same day just before the House adjourns for the day, even in the absence of G.S.R./S.O. number which could be supplied later. For this purpose, as soon as it is decided to lay the notification on any particular day, request should be sent to the Speaker, Lok Sabha, in writing seeking permission for laying it and asking time as to when it could be laid on the Table of the House.
 - (3) If such a notification is issued after 6.00 p.m., copies thereof should be sent to the Lok Sabha Secretariat to enable them to circulate it to Members by midnight the same day. Such a notification should be formally laid on the Table of the House at the next sitting. However, if in any particular case the issue of a notification was not anticipated and for that reason advance arrangements for preparing copies thereof could not be made, the Minister concerned should address a letter to the Speaker the same night enclosing a copy of the notification and informing him of his intention to lay the notification on the Table at the next sitting of Lok Sabha.
 - (4) Copies of all such communications sent to the Speaker, Lok Sabha, should also be endorsed to the Secretary-General, Lok Sabha and Table Office.
- 82. In regard to notifications other than sensitive notifications issued under the Customs and Central Excises Act, they should be laid on the Table within seven days of their publication after arranging to obtain the G.S.R. number within that period.
 - (1) All sensitive notifications which are required to be laid on the Table on the day of their issue immediately before adjournment of the House for the day, will be included in the Supplementary List of Business so that contents of the notifications are known to Members in advance.
 - (2) All such notifications should therefore, be delivered by the Ministry concerned in the Table Office not later than 14.00 hours alongwith a copy of letter addressed to the Speaker seeking permission to lay the notifications on the same day. Clear and precise subject of the notification(s) together with the provisions in the Acts requiring their laying on the Table should be indicated in the forwarding communications, as the same language would be used in the Supplementary List of Business.
 - (3) Ministries should also ensure the presence of the Minister concerned in the House to lay the notifications at the specified time.

When Lok Sabha is not in Session

83. All notifications including sensitive notifications issued during the inter-session period should be laid within seven days of the commencement of the next session.

Procedure for laying of Annual Reports/Audited Accounts/Audit Reports of Autonomous Bodies/ Government Companies etc.

84. The administrative Ministries who are responsible for laying before Parliament Annual Reports/Audited Accounts/Audit Reports of autonomous bodies/Government Companies/Statutory

Organisations/Nationalised Banks etc. under their control, should ensure that such reports are laid before Parliament without any avoidable delay.

- 85. With a view to avoid delays in the laying of Annual Reports/Audited Accounts/Audit Reports and in order to achieve some uniformity in this regard, every autonomous body/Government Company/Statutory Organisation/Nationalised Bank etc. should, after the close of the accounting year, complete compilation of its accounts within a period of three months and make them available for auditing. Auditing of account and furnishing replies to audit objections, if any and also translation and printing of Reports should be completed within the next six months so that the reports and audited accounts are laid before Parliament within nine months after the close of the accounting year unless otherwise stipulated in the relevant Act etc. under which the body has been set up. If for any reason the report and audited accounts cannot be laid within the stipulated period of nine months, the concerned Minister should lay within thirty days of the expiry of the prescribed period or as soon as the House meets, whichever is later, a statement explaining the reasons why the report and accounts could not be laid within the stipulated period.
- 86. Both the English and Hindi versions of Annual Report/Audited Accounts/Audit Reports etc. should be laid on the Table simultaneously. If both Hindi and English versions of a report etc. are not sent to the Secretariat simultaneously, it would not be possible to include the item in the List of Business for being laid on the Table.
- 87. The administrative Ministry concerned should, while laying the Annual Reports/Audited Accounts/Audited Reports in respect of the organisations under their control, also lay alongwith the Annual Reports/Audited Accounts/Audited Reports a "Review" on the working and financial health of every organisation suggesting remedial measures, wherever necessary. Even in cases where Government are in agreement with the information given in the Annual Reports/Audited Accounts/Audited Reports and they have nothing to add, the administrative Ministry should lay along with the Annual Report/Audit Report a statement stating that they are in agreement with the Report and hence no 'Review' is being laid.

Procedure for laying of papers by Private Members

- 88. If a Private Member desires to lay a paper or document on the Table, he will supply a copy thereof to the Speaker/Chairman in advance so as to enable him to decide whether permission should be given to lay the paper or document on the Table. If the Speaker/Chairman permits the Member to lay the paper or document on the Table, the Member may at the appropriate time lay it on the Table. (Direction No. 118)
- 89. When a member seeks permission of the Speaker/Chairman to lay a paper or document on the Table of the House, he shall record thereon a certificate in one of the following forms, as the case may be:—
 - (a) 'I certify from my personal knowledge that this is the original document'; or
 - (b) 'I certify from my personal knowledge that this document is a true copy of the original'; or
 - (c) 'I certify that the contents of this document are correct and based on authentic information.'
- 90. If the paper or document consists of more than one page, the member shall put his signature with date on every page thereof. (Direction No. 118A)

Papers laid during the course of speech

91. If in the course of his speech a member wishes to lay a paper or document on the Table without previously supplying a copy thereof to the Presiding Officer, he may hand it over at the Table, but it will not be deemed to have been laid on the Table unless the Presiding Officer, after examination, accords the necessary permission.

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Persons competent to lay papers on the Table

92. Normally, it is the Ministers who, on behalf of the Government lay documents on the Table of the House. The purpose of such documents is to supply authoritative facts and information for the use of members and to prepare the ground for discussion. A Private Member can lay a paper on the Table of the House when he is permitted to do so by the Speaker/Chairman.

Re-laying of Notifications on the Table

- 93. Rule 234 of the Rules of Procedure and Conduct of Business in Lok Sabha reads as follows:—
 - "234 (1) where a regulation, rule, sub-rule, bye-law etc. framed in pursuance of the Constitution or of the legislative functions delegated by Parliament to a subordinate authority is laid before the House, the period specified in the Constitution or the relevant Act for which it is required to be laid shall be completed before the House is adjourned sine die and later prorogued, unless otherwise provided in the Constitution or the relevant Act.
 - (2) where the specified period is not so completed, the regulation, rule, sub-rule, bye-law etc. shall be re-laid on the succeeding session or sessions until the said period is completed in one session".
- 94. It is the responsibility of the Ministry concerned to ensure that a regulation, rule, sub-rule, bye-law etc. is laid on the Table for the full period prescribed in the Act and where the period specified is not completed in one session, to re-lay in the next session unless otherwise provided in the Constitution or the relevant Act.

Consequences if a paper laid on the Table

- 95. The implications of a paper laid on the Table are broadly indicated below:-
- (a) The paper when laid on the Table of the House becomes a part of the permanent record of Parliament.
- (b) It becomes public, i.e. any-body can quote from it as an authoritative document and use it.
- (c) The document becomes privileged and the person using or quoting the document derives certain immunity for any views or opinions expressed therein.
- (d) The matter contained therein is open for discussion in the House.



- 66. A member desirous of moving an amendment to a resolution or motion is expected to give at least a day's notice. On receipt of such notice, the branch officer concerned will:—
 - (a) Submit a brief for the Minister; and
 - (b) prepare a supplementary note unless the point raised has been specifically covered by the brief already prepared on the subject.

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- (iii) whether the date on which the document is to be laid on the Table of the House is to be fixed in consultation with the Ministry or Parliamentary Affairs; and
- (iv) the name, designation and telephone numbers of the officer from whom additional copies of the document could be obtained, if need be.
- (e) one copy each in Hindi and English, out of (c) above will be duly authenticated by the Minister concerned preferably on the front page of the paper in the form indicated below: "Papers to be laid on the Table of Lok Sabha/Rajya Sabha."

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New Delhi	(Signatur	
Dated the	Minister of	

- (f) two copies of all papers sent to the Lok Sabha/Rajya Sabha Secretariat vide (c) above, will also be sent to the Ministry of Parliamentary Affairs.
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Procedure for laying sensitive Notifications

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- 81. (1) All sensitive notifications should be published in Gazette extraordinary.
 - (2) If such a notification is sent to the Press for issue before 6 p.m., it should be laid on the Table on the same day just before the House adjourns for the day, even in the absence of G.S.R./S.O. number which could be supplied later. For this purpose, as soon as it is decided to lay the notification on any particular day, request should be sent to the Speaker, Lok Sabha, in writing seeking permission for laying it and asking time as to when it could be laid on the Table of the House.
 - (3) If such a notification is issued after 6.00 p.m., copies thereof should be sent to the Lok Sabha Secretariat to enable them to circulate it to Members by midnight the same day. Such a notification should be formally laid on the Table of the House at the next sitting. However, if in any particular case the issue of a notification was not anticipated and for that reason advance arrangements for preparing copies thereof could not be made, the Minister concerned should address a letter to the Speaker the same night enclosing a copy of the notification and informing him of his intention to lay the notification on the Table at the next sitting of Lok Sabha.
 - (4) Copies of all such communications sent to the Speaker, Lok Sabha, should also be endorsed to the Secretary-General, Lok Sabha and Table Office.
- 82. In regard to notifications other than sensitive notifications issued under the Customs and Central Excises Act, they should be laid on the Table within seven days of their publication after arranging to obtain the G.S.R. number within that period.
 - (1) All sensitive notifications which are required to be laid on the Table on the day of their issue immediately before adjournment of the House for the day, will be included in the Supplementary List of Business so that contents of the notifications are known to Members in advance.
 - (2) All such notifications should therefore, be delivered by the Ministry concerned in the Table Office not later than 14.00 hours alongwith a copy of letter addressed to the Speaker seeking permission to lay the notifications on the same day. Clear and precise subject of the notification(s) together with the provisions in the Acts requiring their laying on the Table should be indicated in the forwarding communications, as the same language would be used in the Supplementary List of Business.
 - (3) Ministries should also ensure the presence of the Minister concerned in the House to lay the notifications at the specified time.

When Lok Sabha is not in Session

83. All notifications including sensitive notifications issued during the inter-session period should be laid within seven days of the commencement of the next session.

Procedure for laying of Annual Reports/Audited Accounts/Audit Reports of Autonomous Bodies/Government Companies etc.

84. The administrative Ministries who are responsible for laying before Parliament Annual Reports/Audited Accounts/Audit Reports of autonomous bodies/Government Companies/Statutory

-13-

Organisations/Nationalised Banks etc. under their control, should ensure that such reports are laid before Parliament without any avoidable delay.

- 85. With a view to avoid delays in the laying of Annual Reports/Audited Accounts/Audit Reports and in order to achieve some uniformity in this regard, every autonomous body/Government Company/Statutory Organisation/Nationalised Bank etc. should, after the close of the accounting year, complete compilation of its accounts within a period of three months and make them available for auditing. Auditing of account and furnishing replies to audit objections, if any and also translation and printing of Reports should be completed within the next six months so that the reports and audited accounts are laid before Parliament within nine months after the close of the accounting year unless otherwise stipulated in the relevant Act etc. under which the body has been set up. If for any reason the report and audited accounts cannot be laid within the stipulated period of nine months, the concerned Minister should lay within thirty days of the expiry of the prescribed period or as soon as the House meets, whichever is later, a statement explaining the reasons why the report and accounts could not be laid within the stipulated period.
- 86. Both the English and Hindi versions of Annual Report/Audited Accounts/Audit Reports etc. should be laid on the Table simultaneously. If both Hindi and English versions of a report etc. are not sent to the Secretariat simultaneously, it would not be possible to include the item in the List of Business for being laid on the Table.
- 87. The administrative Ministry concerned should, while laying the Annual Reports/Audited Accounts/Audited Reports in respect of the organisations under their control, also lay alongwith the Annual Reports/Audited Accounts/Audited Reports a "Review" on the working and financial health of every organisation suggesting remedial measures, wherever necessary. Even in cases where Government are in agreement with the information given in the Annual Reports/Audited Accounts/Audited Reports and they have nothing to add, the administrative Ministry should lay along with the Annual Report/Audit Report a statement stating that they are in agreement with the Report and hence no 'Review' is being laid.

Procedure for laying of papers by Private Members

- 88. If a Private Member desires to lay a paper or document on the Table, he will supply a copy thereof to the Speaker/Chairman in advance so as to enable him to decide whether permission should be given to lay the paper or document on the Table. If the Speaker/Chairman permits the Member to lay the paper or document on the Table, the Member may at the appropriate time lay it on the Table. (Direction No. 118)
- 89. When a member seeks permission of the Speaker/Chairman to lay a paper or document on the Table of the House, he shall record thereon a certificate in one of the following forms, as the case may be:—
 - (a) 'I certify from my personal knowledge that this is the original document'; or
 - (b) 'I certify from my personal knowledge that this document is a true copy of the original'; or
 - (c) 'I certify that the contents of this document are correct and based on authentic information.'
- 90. If the paper or document consists of more than one page, the member shall put his signature with date on every page thereof. (Direction No. 118A)

Papers laid during the course of speech

91. If in the course of his speech a member wishes to lay a paper or document on the Table without previously supplying a copy thereof to the Presiding Officer, he may hand it over at the Table, but it will not be deemed to have been laid on the Table unless the Presiding Officer, after examination, accords the necessary permission.

Persons competent to lay papers on the Table

92. Normally, it is the Ministers who, on behalf of the Government lay documents on the Table of the House. The purpose of such documents is to supply authoritative facts and information for the use of members and to prepare the ground for discussion. A Private Member can lay a paper on the Table of the House when he is permitted to do so by the Speaker/Chairman.

Re-laying of Notifications on the Table

- 93. Rule 234 of the Rules of Procedure and Conduct of Business in Lok Sabha reads as follows:—
 - "234 (1) where a regulation, rule, sub-rule, bye-law etc. framed in pursuance of the Constitution or of the legislative functions delegated by Parliament to a subordinate authority is laid before the House, the period specified in the Constitution or the relevant Act for which it is required to be laid shall be completed before the House is adjourned sine die and later prorogued, unless otherwise provided in the Constitution or the relevant Act.
 - (2) where the specified period is not so completed, the regulation, rule, sub-rule, bye-law etc. shall be re-laid on the succeeding session or sessions until the said period is completed in one session".
- 94. It is the responsibility of the Ministry concerned to ensure that a regulation, rule, sub-rule, bye-law etc. is laid on the Table for the full period prescribed in the Act and where the period specified is not completed in one session, to re-lay in the next session unless otherwise provided in the Constitution or the relevant Act.

Consequences if a paper laid on the Table

- 95. The implications of a paper laid on the Table are broadly indicated below:-
- (a) The paper when laid on the Table of the House becomes a part of the permanent record of Parliament.
- (b) It becomes public, i.e. any-body can quote from it as an authoritative document and use it.
- (c) The document becomes privileged and the person using or quoting the document derives certain immunity for any views or opinions expressed therein.
- (d) The matter contained therein is open for discussion in the House.

public

question

LSR 55 **RSR 60** (iii) in the case of unstarred questions, procedure as described above in (d) (ii) will be followed.

Half-an-hour discussion on a matter of importance arising out of answer to a

- 3.17.1 On a notice being given by a member, the Speaker Chairman may allot half-an-hour for discussion on a matter of sufficient public importance, which has been the subject of a recent question and the answer to which needs elucidation on a matter of fact. The discussion is restricted to:
- (a) the member who gave notice making a short statement;
- (b) the Minister making a short reply; and
- (c) other members, not exceeding four, in the case of the Lok Sabha, asking supplementary questions.
- 3.17.2 The advance copy of the notice for half-an-hour discussion, when received, will be transmitted at once to the branch officer concerned and also brought to his notice orally. If received outside office hours, the central registry will send it to the residence of the branch officer concerned after consulting the Parliament Unit.
- 3.17.3 Where the stipulated notice of 3 days has not been given, the branch officer will:
- (a) put up the file for ascertaining if the Minister is agreeable to holding the discussion; and
- (b) communicate the fact to the LS/RS Secretariat if the Minister does not agree to hold the discussion.
- 3.17.4 Where the stipulated period of notice has been given or the Minister agrees to hold the discussion without the stipulated period of notice, action will be taken immediately to:
- (a) gather all the necessary facts; and
- (b) prepare a brief for the use of the Minister.
- 3.17.5 When half-an-hour discussion is interrupted for want of quorum or when there is no time for the Minister to give a full reply to the debate, he may, with the permission of the Speaker, lay a statement on the Table of the House.



Laying of Papers on the Table of the House

4.1 Papers, reports or statements may be required to be laid on the Table of the House under different circumstances. The broad procedure to be followed for the purpose is indicated below:

General procedure

(a) At least three clear sitting days' notice is required for laying a document of the above kind on the Table of the House.

PRO 6.1(a) SD 116

(b) Where papers are proposed to be laid at less than three days' notice, it can be done usually only with the permission of the Speaker/Chairman, which will be obtained through the LS/RS Secretariat. When a Minister is permitted to lay a paper at short notice, the Ministry concerned should arrange to supply the authenticated copy and the usual number of copies of the paper to the LS/RS Secretariat as soon as the permission is accorded and in any case before the paper is laid on the Table.

PRO 6.2 PRO 6.3 SD 116(3)

(c) The number of copies (English and Hindi versions) to be supplied to the LS/RS Secretariat for the above purpose is to be ascertained from the concerned Secretariat.

PRO 6.1(a)

(d) Where it is proposed to distribute copies to members, additional copies (as ascertained from the LS/RS Secretariat) will be sent.

PRO 6.6, 6.18

SD 19

Laying of Papers on the Table of the House

(e) The communication forwarding the copies to the LS/RS Secretariat will indicate *inter alia*:

PRO 6.1(i)

(i) whether they are to be laid on the Table or they are only meant for distribution to members;

PRO 6.1(a)

(ii) the date on which it is proposed to lay the document in question on the Table of the House; or

PRO 6.1(d)

(iii) whether the date on which the document is to be laid on the Table of the House is to be fixed in consultation with the Ministry of Parliamentary Affairs; and

PRO 6.1(b)

(iv) the name, designation and telephone number of the officer from whom additional copies of the document could be obtained, if need be;

PRO 6.1(a)

(f) one copy each in Hindi and English, out of (c) above will be duly authenticated by the Minister concerned, preferably on the front page of the paper, in the form indicated below:

"Paper to be laid on the Table of Lok/Rajya Sabha.

AUTHENTICATED

New Delhi,

(Signature)

Date the

Minister of....."

(g) Two copies of all papers sent to the LS/RS Secretariat vide (c) above, will also be sent to the Ministry of Parliamentary Affairs.

PRO 6.1

(h) Ordinarily, and as far as possible, all papers including reports/audit reports required to be laid on the Table will be laid in both English and Hindi versions simultaneously. However, if in exceptional and unavoidable circumstances, it is not possible to lay both the versions simultaneously, the Minister concerned, while laying one version, should invariably lay a statement explaining the reasons for not laying the other version, and also indicating the time that would be taken for submission of the other version. In such cases, the other version should be laid on the Table

either in the same session or at the most in the first week of the next session, along with a statement inviting attention to the fact of the reports in the first version, English or Hindi, having been laid on the Table earlier on a particular date. In the event of only one version being laid, the departments should get a waiver from the Presiding Officer of the House for doing so.

(i) If, for any reason, the Minister concerned is not in a position to be present, he will inform the Speaker/
Chairman in advance the name of the Minister who would lay the paper on his behalf. A copy of this communication will also be endorsed to the Minister of Parliamentary Affairs and the Table Office, LS/RS Secretariat, so as to reach them at least one hour before the commencement of the sitting.

(j) All reports, required to be laid on the Table of the House, will be released to the Press only after they have been so laid. However, reports under the Companies Act, 1956 may be circulated to the members directly by the government companies immediately after their annual general meetings and laid on the Table of the House as soon as possible thereafter.

(k) Papers meant for being laid on the Table of the Houses will not be sent during the period between the adjournment of the Houses *sine die* and issuing of the notification regarding the commencement of the next session.

(l) Whenever any report of enquiry, in regard to serious accidents (mining, explosions, etc.), which have previously been brought to the notice of the Lok/Rajya Sabha through adjournment motions or otherwise, is laid on the Table of the House, the Minister concerned will make a brief statement giving a summary of the report and the cause of the accident.

(m) In cases where undue delay occurs in laying a document on the Table of the House, a statement

PRO 6.1(f)

PRO 6.1(g)

PRO 6.1(j)

PRO 6.4

PRO 6.17

giving reasons for delay will also be laid on the Table.

4.2 The broad procedure to be followed with regard to laying on the Table 'sensitive notifications', i.e., those notifications which make changes in export duties, major changes in procedures and changes in import and Central excise duties involving revenue of more than Rs. 50 lakks per annum, except cases where an existing concession is being continued, is indicated below:

PRO 6.22(1)

(i) Such a notification should be published in the Gazette Extraordinary.

PRO 6.22(2) PRO 6.23 (ii) If sent to press before 18.00 hours it should be laid on the Table on the same day just before the adjournment of the House, even without G.S.R/S.O. number which may be intimated later, after seeking time and permission from the Presiding Officer in writing for laying it. Copies along with a copy of the letter addressed to the Presiding Officer should be delivered to the Table Office by 14.00 hours. Clear and precise subject of the notification along with the relevant provisions in the Act requiring their laying on the Table should be included in the forwarding letter.

PRO 6.22(3)

(iii) If sent to press after 18.00 hours, copies should be sent for circulation to Members of Parliament by midnight the same day and the notification should be formally laid at the next sitting.

However, if in any particular case the issue of a notification was not anticipated and, therefore, copies could not be made, the Minister concerned should address a letter to the Presiding Officer the same night enclosing a copy of the notification and informing him of his intention to lay the notification at the next sitting.

PRO 6.22(4)

(iv) Copies of all such communications sent to the Presiding Officers, should be endorsed to the Secretary General, Lok/Rajya Sabha and the Table Office of the LS/RS Secretariat.

Laying of Papers on the Table of the House

(v) Notifications, other than the sensitive notifications issued under the Customs & Central Excise Act, should be laid within seven days of their publication, with GSR/SO number.

(vi) If the House is not in session, all notifications, including sensitive ones should be laid within seven days of the commencement of the next session.

PRO 6.22(4)

PRO 6.22(4)

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D.O. No. 12014/1/2006-NCB.II

TOP SECRET MOST IMMEDIATE

B. Bhamathi, Joint Secretary (Security)

Dated: March 30, 2006.

Kindly refer to the discussion I had with you regarding the report submitted by JMCI.

Regarding the DNA test of the ashes lying in the Renkoji Temple of Tokyo, the Commission has stated that MEA by letter No. 25/4/NGO-Vol.XIV dated 25-4-2005 addressed to the Commission intimated that the Head Priest of the temple had agreed to cooperate with the Commission in the DNA test of the ashes and a letter from the Head Priest was also enclosed. However, the reply of the Head priest did not show any approval to the proposal. Thereafter, JMCI wrote two letters to MEA – one on 20-5-2005 and the other on 4-7-2005 – with a request to persuade the Temple authorities to accord their consent in this regard. But no reply was received.

It has also been mentioned that the Commission had requested MEA on 28-6-2004 to engage some P.G. scholars or students of Law, Historical Research, Political Science etc. to do archival research at various American repositories of relevant historical documents on Netaji. But no response was received by the Commission in spite of reminders dated 6-7-2004 and 2-9-2004,

I shall be grateful if you kindly let us know MEA's response in the matter, so that the same can be incorporated in our Note for the Cabinet. As the report is to be tabled in the Parliament, the reply may kindly be sent at an early date.

Yours sincerely,

%

(B. Bhamathi)

Shri L.D. Ralte, Joint Secretary (CNV), Ministry of External Affairs, South Block, New Delhi. 1-19-

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Yours sincerely,

(B. Bhamathi)

Shri L.D. Ralte, Joint Secretary (CNV), Ministry of External Affairs, South Block, New Delhi.



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गृह मंत्रालय भारत सरकार लोक नायक भवन, खान मार्किट, नई दिल्ली.110003 Ministry of Home Affairs Government of India Lok Nayak Bhawan Khan Market, New Delhi-110003

D.O. No. 12014/1/2006-NCB.II

TOP SECRET MOST IMMEDIATE

B. Bhamathi, Joint Secretary (Security)

Dear Dr. Lingh.

Dated: April 3, 2006.

Kindly recall our discussion on the report of the Justice Mukherjee Commission of Inquiry at CCMB, Hyderabad. In continuation of the discussion, we would like to have your guidance/advice on the specific point whether, or to what extent, there is a likelihood of coming to a firm conclusion that the ashes preserved in the Renkoji Temple are that of Netaji Subhas Chandra Bose if the same are subjected to DNA test.

I shall be grateful if you kindly let me have your response to the above in a day or two, so as to enable us to take further action in the matter.

beck regards.

Yours sincerely,

Encl: As above.

B. Bhamathi) 3/4/06

Director, Centre for Cellular and Molecular Biology, Uppal Road, Hyderabad – 500007. *************

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D.O. No. 12014/1/2006-NCB.II TOP SECRET **MOST IMMEDIATE** B. Bhamathi, Joint Secretary (Security) **Dated: April 3, 2006.** Rear Sto Dr. lingh, Kindly recall our discussion on the report of the Justice Mukherjee Commission of Inquiry at CCMB, Hyderabad. In continuation of the discussion, we would like to have your guidance/advice on the specific point whether, or to what extent, there is a likelihood of coming to a firm conclusion that the ashes preserved in the Renkoji Temple are that of Netaji Subhas Chandra Bose if the same are subjected to DNA test. I shall be grateful if you kindly let me have your response to the above in a day or two, so as to enable us to take further action in the matter. hich hegards , Yours sincerely, % B. Bhamahi 3/4/06
(B. Bhamathi) 3/4/06 Encl: As above. Da Lalji Singh, Director, Centre for Cellular and Molecular Biology, Uppal Road, Hyderabad - 500007.

caby 18/4/17

SECRET/MOST IMMEDIATE

28-

अपर सचिव मंत्रिमण्डल सचिवालय

राष्ट्रपति भवन, नई दिल्ली - 110004 ADDITIONAL SECRETARY CABINET SECRETARIAT

RASHTRAPATI BHAWAN **NEW DELHI - 110004**

VIJAI SHARMA Additional Secretary Tel: 2301 2697

W. No. 1828 106-AS (BM)

D.O. No. 19/CM/2006

May 11, 2006

Dear Sir,

URGENT

no 2H

The Cabinet in its meeting held on 09.05.2006 considered the note dated 25.04.2006 04.05.2006 from the Ministry of Home Affairs regarding "Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose - Action Taken Report" and

(i) observed that the Commission's inquiry was inconclusive in many ways, unable to provide a definitive finding on several issues and at variance with past well accepted Inquiry Commissions' findings in some critical areas; and tour. Sey(Pal.)

directed that in the light of (i) above, the Action Taken Report specifically mention that Government did not agree with the findings that:

(a) Netaji did not die in the plane crash; and

Raced before the The minutes of the meeting will be issued in due course. In the meanwhile, this letter may be treated as an authority to take further action in the matter.

. With regards,

Yours sincerely,

(VIJĂI SHARMA)

Shri V.K. Duggal, Secretary,

Ministry of Home Affairs,

New Delhi.

24-

TOP SECRET

विदेश मंत्रालय, नई दिल्ली MINISTRY OF EXTERNAL AFFAIRS NEW DELHI



L.D. Ralte Joint Secretary (CNV) Tel: 2301 1357

MOST IMMEDIATE

No.25/4/NGO-Vol.XIV

5 April 2006

Dear Mr. Bhouthi,

Thank you for sharing the relevant portions of the JMCI's report of interest to MEA.

- I have been directed to state that in the matter of the Head Priest of the Renkoji Temple in Tokyo and the issue of appointing research scholars in the USA to do archival research of American repositories for relevant historical documents on Netaji that:
 - a) It is MEA's understanding that the Head Priest of Renkoji Temple has agreed to the DNA testing of the alleged remains of Netaji kept in his temple in Tokyo, with the only conditions being that the names of his father and himself be recognised wherever the remains are finally interred and that if possible, he be allowed to retain any part of the remains so that he can continue to pray for the soul of Netaji.
 - b) On the matter of engaging scholars to do archival searches in US repositories, unfortunately, our Mission in Washington DC had not found the researchers as requested by the JMCI till the time of the Commission writing its report.

Mith best regards.

Yours sincerely,

(L.D. Ralte)

Ms. B. Bhamathi Joint Secretary (Security) Ministry of Home Affairs

Ministry of Home Affairs, Lok Nayak Bhawan (9th floor, Room No 5)

Khan Market

New Delhi - 11 00 03

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कोशिकीय एवं आणविक जीवविज्ञान केन्द्र

(वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद) उप्पल रोड, हैदराबाद - 500 007, भारत



CENTRE FOR CELLULAR AND MOLECULAR BIOLOGY (Council of Scientific & Industrial Research)

Uppal Road, Hyderabad - 500 007, India

डॉ लालजी सिंह निदेशक

Dr. Lalji Singh Director

No. DCCMB/34 April 4, 2006

TOP SECRET/MOST CONFIDENTIAL

Mrs B Bhamathi Joint Secretary (Security) Ministry of Home Affairs Lok Navak Bhawan, Khan Market New Delhi 110 003

Dear Mrs. Bhamathi,

Please refer to your D.O. letter no. 12014/1/2006-NCB.II dated 3rd April 2006 referring to the discussion I had with you at CCMB, Hyderabad on the report of the Justice Mukherjee Commission of Inquiry. In reply to your question whether, or to what extent, there is a likelihood of coming to a firm conclusion that the ashes preserved in the Renkoji Temple are that of Netaji Subhas Chandra Bose if those are subjected to DNA test, my replies are as follows:

By looking at the photographs of the ashes shown to me by you, it appears that bones are badly charred. There is hardly any piece of bone apparently unburnt. Based on our past experience of trying to isolate DNA from such type of forensic samples, I can confidently say that there is hardly any possibility (may be about 1%) of getting any DNA at all. I would also like to point out that if we make an attempt to isolate DNA with such a low possibility, the total ashes will be used up in the process, and nothing will be left. Under the circumstances, it may not be worthwhile to undertake isolation of DNA from the ashes of Netaji, which has such a strong sentimental value.

with regards.

Yours sincerely,

[Lalji Singh]

दरभाष

(Off) 27160789

Telephone: EPABX: 27160222 - 41

(Resi.) 27160555, 27160556

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040-27160252, 27160591, 27160311 : www.ccmb.res.in

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: lalii@ccmb.res.in

: lalji@ccmb.res.in E-mail

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F.No.12014/8/2005-NCB.II Government of India Ministry of Home Affairs Security Division (NCB.II Section)

Dated: March

, 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report – Regarding.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged disappearance/death of Netaji. This was raised in the Parliament also from time to time. Subsequently, the Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956. While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, gave a dissenting report stating that there had been no plane crash involving Netaji's death. The majority report was accepted by the Government of India.

2. The majority report, however, did not satisfy the public in general and several Members of the Parliament in particular, and, there was

vociferous demand for a fresh inquiry into the matter. Accordingly, the Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970. This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The Government of India accepted this report.

Appointment of Justice Mukherjee Commission of Inquiry

- 3. The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was persistent demand for fresh inquiry into this matter. In a writ petition notified before the Kolkata High Court, a Division Bench by its judgment dated 30th April, 1998, directed Union of India to re-inquiry into the alleged disappearance of Netaji, in accordance with law, by appointing a Commission of Inquiry.
- 3.1 This was followed by a unanimous resolution adopted by the West Bengal Legislative Assembly on December 24, 1998 demanding that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also institute a fresh Inquiry Commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.

E.

3.2 Consequently, the Government of India appointed a Commission headed by Justice M.K. Mukherjee, Retired Judge of the Supreme

Court, on 14th May, 1999 to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 3.3 As regards the ancillary query (vide paragraph 3 of the Notification) the Commission is of the view consequent upon its above findings that in undertaking the scrutiny of publications touching upon the question of death or otherwise of Netaji, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged. (should figure in 5.2)
- 4. The Commission has mentioned in the report that some files/documents were not produced by the Government of India and out of these files/documents, the following would have been, in the opinion of the Commission, of great assistance in answering the terms of reference
 - i) File No. 12(226)/56-PM (Investigation into the circumstances leading to the death of Subhas Chandra Bose).

- ii) Non-availability of 'contemporary official records' referred to by Prime Minister Morarji Desai in the Lok Sabha on 28-8-1978.
- iii) Records of the entire proceedings of the Khosla Commission and a large number of the documents exhibited before it.
- iv) Two files were not given access to in England as they were marked 'closed'.
- v) Commission's request to engage some suitable willing scholars or students of Post Graduate class, preferably of Law, Historical Research, Political Science, etc. to the the job of archival research at various American repositories of relevant historical documents on Netaji Subhas Chandra Bose was not acted upon.
- 4.1 As regards (i), the Director of the PMO by letter dated 4-7-2000 had stated that "file No. 12(226)/56-PM which contained agenda paper/cabinet decision regarding "Investigation into the circumstances leading to the death of Shri Subhas Chadra Bose" was destroyed in 1972 in course of routine review/weeding of old records since records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured". However, according to a letter dated 31-10-2000 of a Deputy Secretary of Cabinet Secretariat "their organization had no record relating to the events as it was formed only on September 21, 1968." The Commission has found the stand of the Cabinet Secretariat as "evasive and unfathomable" since, as per Director of PMO, records of Cabinet proceedings are kept permanently in the Cabinet Secretariat".

4.2 Prime Minister Morarji Desai in reply to a motion moved by Prof. Samar Guha stated in the Lok Sabha on 28-8-1978 "There have been two enquiries into the report of the death of Netaji Subhas Chandra

Bose in the air-crash on 18th August 1945 The majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive."

Commission asked from the Prime Minister's office, the MEA, the Cabinet Secretariat and the MHA to ensure production of all those 'further contemporary official documentary records' which, as stated by the Prime Minister, had 'also become available' to the Government of India. But no such 'further contemporary official documentary records' was available in any of the above Ministries/offices and this led the Commission to comment that "While the Commission finds it extremely difficult to persuade itself to believe that Prime Minister of the country would make an incorrect statement on the floor of the Parliament to invite the risk of breach of privilege in the event of non-availability of the contemporary official records referred to by him then, their non-availability now – as asserted by the senior officers of the Ministries/offices concerned of the Government of India – has, undoubtedly, pout a spoke in the wheel of this inquiry."

As regards (111) above,

4.3 The Commission received, inter alia, copies of the proceedings of the earlier Commission in 'Argument Session' only and copy_a list of

202 documents exhibited before the Khosla Commission. Out of these 202 exhibits, only 89 were furnished by the Government of India. But 'T' Branch of Internal Security Division of MHA could not make available the remaining documents for scrutiny.

In the course of inquiry, the Commission went to England to study relevant files and records of some libraries and offices. During inspection of the records, the Commission, however, was not given access to two files as they were marked 'closed'. For getting access to the said documents, the Commission approached the Foreign and Commonwealth Office of the British Government, Lord Peter Archer, one of the Members of the House of Lords, requesting him to persuade the Lord Chancellor to give access to the documents and finally the Minister of External Affairs, Government of India, for the purpose. But the documents were not made available.

4.6 The Commission requested the MEA to request the Government of United States of America to make available to the Commission all declassified documents on Netaji Subhas Chandra Bose/INA in their possession including those of COIA and McArthur papers. MEA took up the matter with the Government of USA and the latter's response was positive. The Commission, taking a cue from the last paragraph of the letter of the Embassy of USA dated 23-6-2003 addressed to the MEA, requested MEA vide letter dated 28-6-2004 to engage some suitable willing scholars or students of Post Graduate class, preferably of Law, Historical Research, Political Science etc. to do the job of archival research at various American repositories of relevant historical

documents on Netaji Subhas Chandra Bose. Reminders were also issued through the Commission's letters dated 6-7-2004 and 2-9-2004, "but no action was taken in this regard".

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Findings of JMCI

5. JMCI, after examining 131 witnesses, visiting the U.K., Japan, Taiwan, Bangkok and Russian Federation and sieving through 308 exhibits, has submitted its findings in the report on 8th November, 2005 which are reproduced below -

Terms of reference in the Notification	Conclusion of the Commission	
(a) whether Netaji Subhas Chandra Bose is dead or alive;	(a) Netaji Subhas Chandra Bose is dead;	
(b) if he is dead, whether he died in the plane crash, as alleged	(b) He did not die in the plane crash, as alleged;	
(c) whether the ashes in the Japanese temple are ashes of Nataji;	(c) The ashes in the Japanese temple are not of Netaji;	
(d) whether he has died in any other manner at any other place and, if so, when and how;		
(e) if he is alive, in respect of his whereabouts.		

- 5.1 (a) On the point of Netaji's death, JMCI has stated that Netaji is dead because average Indian's life span is 70 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897). The JMCI relied on the premise of 'probability' to come to this conclusion.
- (b) The JMCI has concluded that Netaji did not die in the plane crash because documents, like medical certificate, cremation certificate, plane crash records etc. have not been found to prove the story.
- (c) Regarding ashes in the Japanese temple, the JMCI has stated that since the ashes collected were of Ichiro Okura not of Netaji the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.
- (d) On the point whether Netaji died in any other manner at any other place and, if so, when and how, the JMCI has stated that in the absence of any clinching evidence, a positive answer cannot be given.
- (e) As regards the whereabouts of Netaji in case he is alive, the Commission has stated that the answer is already given in (a).
- Observation on the findings of the Commission
 - 6. The earlier Committee and Commission came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.
 - 6.1 Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very

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soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stores." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are in no way obliged to give evidence according to any particular brief." The Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

- 6.2 On this point, Khosla Commission recorded that "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate."
- 6.3 Regarding the Commission's response to terms of reference (b) that Netaji did not die in the plane crash, the basis of the conclusion is the non-availability of papers relating to the plane crash. In this regard, Khosla Commission observed that "the papers in the plane must have

perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

- 6.4 As regards the ashes kept in the Renkoji Temple of Tokyo as contained in (c) of the terms of reference, the JMCI's conclusion that the ashes in the Japanese temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has been passed off as that of Netaji.
- 6.5 Shah Nawaz Committee's findings on ashes is that "From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial General Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's house, and finally to the Renkoji temple. There is no break in the chain." The Committee also concluded that "So, although there cannot be absolute certainty, nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple, Tokyo, are the ashes of Netaji Subhas Chandra Bose."
- 6.6 The death certificate relating to Ichiro Okura was also produced before the Khosla Commission who held that "It is clear that neither the name nor the date of birth of the deceased mentioned in these two

documents is truly descriptive of Bose." Thereafter the Commission observed that "The argument is in the nature of non-sequitur, for what does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore,

accept the contention that these documents relate to Bose and that they disprove the factum of his death."

- 6.7 The JMCI has also not been able to get the DNA test done in respect of the ashes kept in the Renkoji Temple of Tokyo in deference to "reticent attitude" of the temple authorities.
- It is mentioned in this connection that in response to a d.o. letter dated 3-4-2006, the Director, Central for Cellular and Molecular Biology, Hyderabad, by his letter dated 4-4-2006 has opined that "There is hardly any piece of bone apparently unburnt. Based on our past experience of trying to isolate DNA from such type of forensic samples, I can confidently say that there is hardly any possibility (may be about 1%) of getting any DNA at all. I would also like to point out that if we make an attempt to isolate DNA with such a low possibility, the total ashes will be used up in the process, and nothing will be left."
- 6.8 Regarding non-receipt of response from MEA about the DNA test, a **D**.o. letter dated 30-3-2006 was written to Shri L.D. Ralte, JS(CNV), MEA, and Shri Ralte in reply dated 5-4-2006 has mentioned that "It is MEA's understanding that the Head Priest of Renkoji Temple has agreed to the DNA testing of the alleged remains of Netaji

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kept in his temple in Tokyo, with the only conditions being that the names of his father and himself be recognized wherever the remains are finally interred and that if possible, he be allowed to retain any part of the remains so that he can continue to pray for the soul of Netaji.

6.10.

6.10 As regards JMCI's allegation regarding non-engagement of scholars to doarchival searches in the US repositories, Shri Ralte has mentioned that the "Mission in Washington DC had not found the researchers as requested by the JMCI till the time of the Commission writing its report."

Conclusion

7. The Government may, therefore, accept the finding of JMCI that Netaji Subhas Chandra Bose is dead. But the Government may not accept the finding of JMCI that he did not die in the plane crash because of any conclusive evidence in that regard.

It is also pertinent to point out that the absence of documents does not disprove the plane crash in the face of overwhelming oral evidence of those who survived the crash.

Proposal

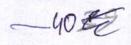
8. The proposals contained in para 7 above are placed before the Cabinet for approval. Approval of the Cabinet is also solicited to the Action Taken Report annexed.

9. Home Minister has seen and approved the Note.

(B. Bhamathi)
Joint Secretary (Security)

To

Cabinet Secretariat



Secret Copy No.

F.No.12014/8/2005-NCB.II
Government of India
Ministry of Home Affairs
Security Division
(NCB.II Section)

Dated: March

, 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report – Regarding.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged disappearance/death of Netaji. This was raised in the Parliament also from time to time. Subsequently, the Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956. While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, gave a dissenting report stating that there had been no plane crash involving Netaji's death. The majority report was accepted by the Government of India.

2. The majority report, however, did not satisfy the public in general and several Members of the Parliament in particular, and, there was

vociferous demand for a fresh inquiry into the matter. Accordingly, the Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970. This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The Government of India accepted this report.

Appointment of Justice Mukherjee Commission of Inquiry

- 3. The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was persistent demand for fresh inquiry into this matter. In a writ petition no.... filed before the Kolkata High Court, a Division Bench by its judgment dated 30th April, 1998, directed Union of India to re-inquiry into the alleged disappearance of Netaji, in accordance with law, by appointing a Commission of Inquiry.
- 3.1 This was followed by a unanimous resolution adopted by the West Bengal Legislative Assembly on December 24, 1998 demanding that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also institute a fresh Inquiry Commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.
- 3.2 Consequently, the Government of India appointed a Commission headed by Justice M.K. Mukherjee, Retired Judge of the Supreme

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Court, on 14th May, 1999 to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

As regards the ancillary query (vide paragraph 3 of the Notification) the Commission is of the view – consequent upon its above findings – that in undertaking the scrutiny of publications touching upon the question of death or otherwise of Netaji, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged.

The Commission has mentioned in the report that some files/documents were not produced by the Government of India and out of these files/documents, the following would have been, in the opinion of the Commission, of great assistance in answering the terms of reference

- i) File No. 12(226)/56-PM (Investigation into the circumstances leading to the death of Subhas Chandra Bose).
- ii) Non-availability of 'contemporary official records' referred to by Prime Minister Morarji Desai in the Lok Sabha on 28-8-1978.

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- iii) Records of the entire proceedings of the Khosla Commission and a large number of the documents exhibited before it.
- iv) Two files were not given access to in England as they were marked 'closed'.
- v) Commission's request to engage some suitable willing scholars or students of Post Graduate class, preferably of Law, Historical Research, Political Science, etc. to the the job of archival research at various American repositories of relevant historical documents on Netaji Subhas Chandra Bose was not acted upon.

As regards (i), the Director of the PMO by letter dated 4-7-2000 had stated that "file No. 12(226)/56-PM which contained agenda paper/cabinet decision regarding "Investigation into the circumstances leading to the death of Shri Subhas Chadra Bose" was destroyed in 1972 in course of routine review/weeding of old records since records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured". However, according to a letter dated 31-10-2000 of a Deputy Secretary of Cabinet Secretariat "their organization had no record relating to the events as it was formed only on September 21, 1968." The Commission has found the stand of the Cabinet Secretariat as "evasive and unfathomable" since, as per Director of PMO, records of Cabinet proceedings are kept permanently in the Cabinet Secretariat".

Prime Minister Morarji Desai in reply to a motion moved by Prof. Samar Guha stated in the Lok Sabha on 28-8-1978 "There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 The majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive."

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Commission asked from the Prime Minister's office, the MEA, the Cabinet Secretariat and the MHA to ensure production of all those 'further contemporary official documentary records' which, as stated by the Prime Minister, had 'also become available' to the Government of India. But no such 'further contemporary official documentary records' was available in any of the above Ministries/offices and this led the Commission to comment that "While the Commission finds it extremely difficult to persuade itself to believe that Prime Minister of the country would make an incorrect statement on the floor of the Parliament to invite the risk of breach of privilege in the event of non-availability of the contemporary official records referred to by him then, their non-availability now – as asserted by the senior officers of the Ministries/offices concerned of the Government of India – has, undoubtedly, pout a spoke in the wheel of this inquiry."

The Commission received, inter alia, copies of the proceedings of the earlier Commission in 'Argument Session' only and copy a list of 202 documents exhibited before the Khosla Commission. Out of these 202 exhibits, only 89 were furnished by the Government of India. But 'T' Branch of Internal Security Division of MHA could not make available the remaining documents for scrutiny.

In the course of inquiry, the Commission went to England to study relevant files and records of some libraries and offices. During inspection of the records, the Commission . however, was not given access to two files as they were marked 'closed'. For getting access to the said documents, the Commission approached the Foreign and Commonwealth Office of the British Government, Lord Peter Archer, one of the Members of the House of Lords, requesting him to persuade the Lord Chancellor to give access to the documents and finally the Minister of External Affairs, Government of India, for the purpose. But the documents were not made available.

The Commission requested the MEA to request the Government of United States of America to make available to the Commission all declassified documents on Netaji Subhas Chandra Bose/INA in their possession including those of COIA and McArthur papers. MEA took up the matter with the Government of USA and the latter's response was positive. The Commission, taking a cue from the last paragraph of the letter of the Embassy of USA dated 23-6-2003 addressed to the

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MEA, requested MEA vide letter dated 28-6-2004 to engage some suitable willing scholars or students of Post Graduate class, preferably of Law, Historical Research, Political Science etc. to do the job of archival research at various American repositories of relevant historical documents on Netaji Subhas Chandra Bose. Reminders were also issued through the Commission's letters dated 6-7-2004 and 2-9-2004, "but no action was taken in this regard".

Findings of JMCI

4. JMCI, after examining 131 witnesses, visiting the U.K., Japan, Taiwan, Bangkok and Russian Federation and sieving through 308 exhibits, has submitted its findings in the report on 8th November, 2005 which are reproduced below -

Terms of reference in the Notification	Conclusion of the Commission
(a) whether Netaji Subhas Chandra Bose is dead or alive;	
(b) if he is dead, whether he died in the plane crash, as alleged	the plane crash, as
(c) whether the ashes in the Japanese temple are ashes of Nataji;	(c) The ashes in the Japanese temple are not of Netaji;
(d) whether he has died in any other manner at any other place and, if so, when and how;	evidence a positive
(e) if he is alive, in respect of his	(e) Answer already

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whereabouts.

- 5. (a) On the point of Netaji's death, JMCI has stated that Netaji is dead because average Indian's life span is 70 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897). The JMCI relied on the premise of 'probability' to come to this conclusion.
- (b) The JMCI has concluded that Netaji did not die in the plane crash because documents, like medical certificate, cremation certificate, plane crash records etc. have not been found to prove the story.
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 - (e) As regards the whereabouts of Netaji in case he is alive, the Commission has stated that the answer is already given in (a).

Observation on the findings of the Commission

- 6. The earlier Committee and Commission came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.
- 6.1 Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American

Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stores." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are in no way obliged to give evidence according to any particular brief." The Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

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- 6.3 Regarding the Commission's response to terms of reference (b) that Netaji did not die in the plane crash, the ground of the conclusion is the non-availability of papers relating to the plane crash. In this regard,

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Khosla Commission observed that "the papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

- 6.4 As regards the ashes kept in the Renkoji Temple of Tokyo as contained in (c) of the terms of reference, the JMCI's conclusion that the ashes in the Japanese temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has been passed off as that of Netaji.
- 6.5 Shah Nawaz Committee's findings on ashes is that "From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial Generall Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's house, and finally to the Renkoji temple. There is no break in the chain." The Committee also concluded that "So, although there cannot be absolute certainty, nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple, Tokyo, are the ashes of Netaji Subhas Chandra Bose."
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does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore,

accept the contention that these documents relate to Bose and that they disprove the factum of his death."

6.7 The JMCI has also not been able to get the DNA test done in respect of the ashes kept in the Renkoji Temple of Tokyo in deference to "reticent attitude" of the temple authorities. This also effectively obviates scope for any further inquiry.

**It is mentioned in this connection that the Director, Central for Cellular and Molecular Biology, Hyderabad, has opined that "There is hardly any piece of bone apparently unburnt. Based on our past experience of trying to isolateDNA from such type of forensic samples, I can confidently say that there is hardly any possibility (may be about 1%) of getting any DNA at all. I would also like to point out that if we make an attempt to isolate DNA with such a low possibility, the total ashes will be used up in the process, and nothing will be left."

Conclusion

7. The Government may, therefore, accept the finding of JMCI that Netaji Subhas Chandra Bose is dead. But the Government may not accept the finding of JMCI that he did not die in the plane crash because of any conclusive evidence in that regard.

**It is also pertinent to point out that the absence of documents does not disprove the plane crash in the face of overwhelming oral evidence of those who survived the crash.

Proposal

- 8. The proposals contained in para 7 above are placed before the Cabinet for approval. Approval of the Cabinet is also solicited to the Action Taken Report annexed.
- 9. Home Minister has seen and approved the Note.

(B. Bhamathi)
Joint Secretary (Security)

To

Cabinet Secretariat

Secret Copy No. ~SI-

F.No.12014/8/2005-NCB.II
Government of India
Ministry of Home Affairs
Security Division
(NCB.II Section)

Dated: March

, 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report – Regarding.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged disappearance / death of Netaji. This was raised in the Parliament also from time to time. Subsequently, the Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956. While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, gave a dissenting report stating that there had been

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Ministry of Home Affairs

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no plane crash involving Netaji's death. The majority report was accepted by the Government of India.

2. The majority report, however, did not satisfy the public in general and several Members of the Parliament in particular; and, there was vociferous demand for a fresh inquiry into the matter. Accordingly, the Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970. This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The Government of India accepted this report.

Appointment of Justice Mukherjee Commission of Inquiry

3. The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was persistent demand for fresh inquiry into this matter. In a writ petition no., filed before the Kolkata High Court, a Division Bench by its judgment

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dated 30th April, 1998, directed the Union of India to re-enquire into the alleged disappearance of Netaji in accordance with law, by appointing a Commission of Inquiry.

- 3.1 This was followed by a unanimous resolution adopted by the West Bengal Legislative Assembly on December 24, 1998 demanding that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them; and also institute a fresh Inquiry Commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.
- 3.2 Consequently, the Govt. of India appointed a Commission of Inquiry (JMCI) headed by Justice M.K. Mukherjee, Retired Judge of the Supreme Court, on 14th May, 1999 to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including
 - (a) whether Netaji Subhas Chandra Bose is dead or alive;

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- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
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4. JMCI, after examining 131 witnesses, visiting the U.K., Japan, Taiwan and Russian Federation and sieving through 308 exhibits, has submitted its findings in the report on 8th November, 2005 which

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Secret No. 12014/8/2005-NCB.II Ministry of Home Affairs

are reproduced below -

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Terms of reference in the Notification	Conclusion of the Commission
(a) whether Netaji	(a) Netaji Subhas
Subhas Chandra Bose	Chandra Bose is
is dead or alive;	dead;
(b) if he is dead,	(b) He did not die in
whether he died in the	the plane crash, as
plane crash, as alleged	alleged;
(c) whether the ashes	(c) The ashes in the
in the Japanese temple	Japanese temple are
are ashes of Nataji;	not of Netaji;
(d) whether he has	(d) In the absence of
died in any other	any clinching
manner at any other	evidence a positive
place and, if so, when	answer cannot be
and how;	given;
(e) if he is alive, in respect of his whereabouts.	

Regarding the ancillary query (vide paragraph 3 of the Notification) relating to scrutiny of publications touching upon the question of death or otherwise of Netaji, the JMCI has stated that consequent upon its above findings, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged.

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Secret No. 12014/8/2005-NCB.II Ministry of Home Affairs **Comment:** Reproduce the caveats expressed by the Commission, so that they are replied later.

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Basis of Commission's findings

- 5. (a) On the point of Netaji's death, JMCI has stated that Netaji is dead because the average Indian's life span is 70 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897). The JMCI relied on the premise of 'probability' to come to this conclusion.
- (b) The JMCI has concluded that Netaji did not die in the plane crash because documents, like medical certificate, cremation certificate, plane crash records, etc. have not been found to prove the story.
- (c) Regarding ashes in the Japanese temple, the JMCI has stated that since the ashes collected were of Ichiro Okura not of Netaji the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.
- (d) On the point whether Netaji died in any other manner at any other place and, if so, when and how, the JMCI has stated that in the absence of any clinching evidence, a positive answer cannot be given.

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(e) As regards the whereabouts of Netaji in case he is alive, the Commission has stated that the answer is already given in (a).

Observation on the findings of the Commission

- 6. The earlier Committee and Commission came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.
- 6.1 Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stores." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are in no way obliged to give evidence according to any particular brief." The Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

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Ministry of Home Affairs

- 6.2 On this point, the Khosla Commission recorded that "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate."
- 6.3 Refer to TOR: Regarding non-availability of papers relating to the plane crash, Khosla Commission observed that "the papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

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- 6.4 Refer to TOR: The JMCI's conclusion that the ashes in the Japanese temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has been passed off as that of Netaji.
- 6.5 Shah Nawaz Committee's findings on ashes is that "From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial General Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's house, and finally to the Renkoji temple. There is no break in the chain." The Committee also concluded that "So, although there cannot be absolute certainty, nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple, Tokyo, are the ashes of Netaji Subhas Chandra Bose."
- 6.6 The death certificate relating to Ichiro Okura was also produced before the Khosla Commission who held that "It is clear that neither the name nor the date of birth of the deceased mentioned in these two documents is truly descriptive of Bose." Thereafter the Commission observed that "The argument is in the nature of non-sequitur, for what does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore,

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accept the contention that these documents relate to Bose and that they disprove the factum of his death."

6.7 The JMCI has also not been able to get the DNA test done in respect of the ashes kept in the Renkoji Temple of Tokyo in deference to "reticent attitude" of the temple authorities. This also effectively obviates scope for any further inquiry.

Comment: What is the degree of certainity of findings if uncharred bones can be subjected to DNA test or compared with lineage

Conclusion

7. The Government may, therefore, accept the finding of JMCI that Netaji Subhas Chandra Bose is dead. But the Government may not accept the finding of JMCI that he did not die in the plane crash because of any conclusive evidence in that regard.

Proposal

- 8. The proposals contained in para above are placed before the Cabinet for approval. Approval of the Cabinet is also solicited to the Action Taken Report annexed
- 9. Home Minister has seen and approved the Note.

(B. Bhamathi)
Joint Secretary (Security)

To

Cabinet Secretariat

MEMORANDUM OF ACTION TAKEN ON THE REPORT
OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY
REGARDING THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE

Comment: Non sequitor – the absence of documents does not disprove mthe plane crash in the face of overwhelming oral evidence. Of those who survived the crash 30

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By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the report in detail and have regretfully accepted the conclusion that Netaji may not be with us any more; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because
- 3. This Report is placed before the Houses as required under subsection (4) of Section 3 of the Commissions of Inquiry Act, 1952.

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MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

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- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the report in detail and have regretfully accepted the conclusion that Netaji may not be with us any more; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because

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absence of documents does not disprove the plane crash story particularly when there is overwhelming oral evidence of those who survived the crash, as testified before the Netaji Inquire Committee (Shah Nawaz Committee) 1956 and Khosta Commission 1970-74.

3. This Report is placed before the Houses as required under subsection (4) of Section 3 of the Commissions of Inquiry Act, 1952.

Secret Copy No.

F.No.12014/8/2005-NCB.II Government of India Ministry of Home Affairs Security Division (NCB.II Section)

Dated: March

, 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report – Regarding.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged disappearance/death of Netaji. This was raised in the Parliament also from time to time. Ultimately, Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956. While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, gave a dissenting report stating that there had been

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no plane crash involving Netaji's death. The majority report was accepted by the Government of India.

and several Members of the Parliament in particular, and, there was vociferous demand for a fresh inquiry into the matter. Accordingly, Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed Justice G.D. Khosla Commission in July 1970. This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. Government of India accepted this report.

Appointment of Justice Mukherjee Commission of Inquiry

3. The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was persistent demand for fresh inquiry into this matter. Then, on a writ petition filed before the Kolkata High Court, a Division Bench by its judgment

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dated 30th April, 1998, directed Union of India to launch a vigorous inquiry into the alleged disappearance of Netaji in accordance with law, by appointing a Commission of Inquiry for the purpose of putting an end to the controversy.

Bengal Legislative Assembly on December 24, 1998 whereby the Assembly demanded that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them, and also institute a fresh Inquiry Commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.

Concernently, the Goi appointment of Justice Mukherjee Commission

3.2 All this led to the appointment of Justice Mukherjee Commission

of Inquiry (JMCI) on 14th May, 1999 for inquiring into all the facts and

circumstances related to the disappearance of Netaji Subhas Chandra

Bose in 1945 and subsequent developments connected therewith

including—

(a) whether Netaji Subhas Chandra Bose is dead or alive;

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- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

Regarding the ancillary query (vide paragraph 3 of the Notification) relating to undertaking the scrutiny of publications touching upon the question of death or otherwise of Netaji, the JMCI has stated that consequent upon its above findings, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged. (Represented which of the plane)

Findings of JMCI

4. JMCI, after examining 131 witnesses, visiting the U.K., Japan, Taiwan and Russian Federation and sieving through 308 exhibits, has submitted its findings in the report on 8th November, 2005 which

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replan

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Secret No. 12014/8/2005-NCB.II Ministry of Home Affairs

are reproduced below -

Terms of reference in the Notification	Conclusion of the Commission
(a) whether Netaji	(a) Netaji Subhas
Subhas Chandra Bose	Chandra Bose is
is dead or alive;	dead;
(b) if he is dead,	(b) He did not die in
whether he died in the	the plane crash, as
plane crash, as alleged	alleged;
(c) whether the ashes	(c) The ashes in the
in the Japanese temple	Japanese temple are
are ashes of Nataji;	not of Netaji;
(d) whether he has	(d) In the absence of
died in any other	any clinching
manner at any other	evidence a positive
place and, if so, when	answer cannot be
and how;	given;
(e) if he is alive, in respect of his whereabouts.	

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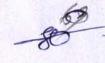
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Basis of Commission's findings

- 5. (a) On the point of Netaji's death, JMCI has stated that Netaji is dead because average Indian's life span is 70 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897). The JMCI relied on the premise of 'probability' to come to this conclusion.
- (b) The JMCI has concluded that Netaji did not die in the plane crash because documents, like medical certificate, cremation certificate, plane crash records etc. have not been found to prove the story.
- (c) Regarding ashes in the Japanese temple, the JMCI has stated that since the ashes collected were of Ichiro Okura not of Netaji the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.
- (d) On the point whether Netaji died in any other manner at any other place and, if so, when and how, the JMCI has stated that in the absence of any clinching evidence, a positive answer cannot be given.



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(e) As regards the whereabouts of Netaji in case he is alive, the Commission has stated that the answer is already given in (a).

Observation on the findings of the Commission

- 6. The earlier Committee and Commission came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.
- 6.1 Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stores." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are in no way obliged to give evidence according to any particular brief." The Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

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6.2 On this point, Khosla Commission recorded that "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate."

6.3 Regarding non-availability of papers relating to the plane crash, Khosla Commission observed that "the papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

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6.4 The JMCI's conclusion that the ashes in the Japanese temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has been passed off as that of Netaji.

6.5 Shah Nawaz Committee's findings on ashes is that "From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial Generall Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's house, and finally to the Renkoji temple. There is no break in the chain." The Committee also concluded that "So, although there cannot be absolute certainty, nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple, Tokyo, are the ashes of Netaji Subhas Chandra Bose."

before the Khosla Commission who held that "It is clear that neither the name nor the date of birth of the deceased mentioned in these two documents is truly descriptive of Bose." Thereafter the Commission observed that "The argument is in the nature of non-sequitur, for what does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore,

No. 12014/8/2005-NCB.II Ministry of Home Affairs accept the contention that these documents relate to Bose and that they what is his disprove the factum of his death." The JMCI has also not been able to get the DNA test done in professional and the state of the st respect of the ashes kept in the Renkoji Temple of Tokyo in deference to LyPC. "reticent attitude" of the temple authorities. This also effectively obviates scope for any further inquiry. Conclusion The Government may, therefore, accept the finding of JMCI that Netaji Subhas Chandra Bose is dead. But the Government is not inclined to accept the finding of JMCI that he did not die in the plane crash because of unsubstantiated evidence in that regard (non seguiting The proposal in para I above may be occepted and Approval of the Cabinet Committee is, therefore, solicited to the following ATR, an wells. The report submitted by the Justice Mukherjee Commission of Inquiry on 8th November, 2005, may not be accepted. Home Minister has seen and approved the Note. (B. Bhamathi) Joint Secretary (Security) To Cabinet Secretariat

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MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

2. The Government have examined the report in detail and are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash.

3. This Report is placed before the Houses as required under subsection (4) of Section 3 of the Commissions of Inquiry Act, 1952.

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Secret Copy No.

F.No.12014/8/2005-NCB.II Government of India Ministry of Home Affairs Security Division (NCB.II Section)

Dated: March

, 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report – Regarding.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged death/disappearance of Netaji. This was raised in the Parliament also from time to time. Subsequently, the Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956. While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, gave a dissenting report stating that there had been no plane crash involving Netaji's death. The majority report was accepted by the Government of India.

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2. The majority report, however, did not satisfy the public in general and several Members of the Parliament in particular, and, there was vociferous demand for a fresh inquiry into the matter. Accordingly, the Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970. This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The Government of India accepted this report.

Appointment of Justice Mukherjee Commission of Inquiry

- 3. The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was persistent demand for fresh inquiry into this matter. In a writ petition filed before the Kolkata High Court, a Division Bench by its judgment dated 30th April, 1998, directed Union of India to re-inquire into the alleged disappearance of Netaji, in accordance with law, by appointing a Commission of Inquiry.
- 3.1 This was followed by a unanimous resolution adopted by the West Bengal Legislative Assembly on December 24, 1998 demanding that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also institute a fresh Inquiry Commission is order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.

Consequently, the Government of India appointed a Commission 3.2 headed by Justice M.K. Mukherjee, Retired Judge of the Supreme Court, on 14th May, 1999 to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including -

- whether Netaji Subhas Chandra Bose is dead or alive; (a)
- if he is dead, whether he died in the plane crash, as (b) alleged;
- whether the ashes in the Japanese temple are ashes of (c) Netaji;
- whether he has died in any other manner at any other (d) place and, if so, when and how;

if he is alive, in respect of his whereabouts.

The Commission has mentioned in the report, that some files/ LClabter Two nents were not produced by the Government of Table documents were not produced by the Government of India, and out of these files/documents, the following would have been, in the opinion of the Commission, of great assistance in answering the terms of reference!

- 12(226)/56-PM (Investigation i) No. into circumstances leading to the death of Subhas Chandra Bose).
- Non-availability of 'contemporary official records' referred ii) to by Prime Minister Morarji Desai in the Lok Sabha on 28-8-1978.
- Records of the entire proceedings of the Khosla iii) Commission and a large number of the documents exhibited before it.

British Government

iv) Two files were not given access to in England as they were marked 'closed'.

v) Commission's request to engage some suitable willing scholars or students of Post Graduate class, preferably of Law, Historical Research, Political Science, etc. to the the job of archival research at various American repositories of relevant historical documents on Netaji Subhas Chandra Bose was not acted upon.

As regards (i), the Director of the PMO by letter dated 4-7-2000, had stated that "file No. 12(226)/56-PM which contained agenda paper/cabinet decision regarding "Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose" was destroyed in 1972 in course of routine review/weeding of old records/since records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured". However, according to a letter dated 31-10-2000 of a Deputy Secretary of Cabinet Secretariat "their organization had no record relating to the events as it was formed only

As regards (ii) above, Prime Minister Morarji Desai in reply to a motion moved by Prof. Samar Guha stand in the Lok Sabha on 28-8-1978 "There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945

The majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and

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that the earlier conclusions are decisive." But no such 'further contemporary official documentary records' was available in the PMO, the MEA, the Cabinet Secretariat and the MHA.

Regarding (iii) above, the Commission received, inter alia, copies of the proceedings of the earlier Commission in 'Argument Session' only and of list of 202 documents exhibited before the Khosla Commission. Out of these 202 exhibits, only 89 were furnished by them Government of India. 'T' Branch of Internal Security Division of MHA could not make available the remaining documents for scrutiny.

personather Part reference to old newspapello and notes therean a

- 4.4 Regarding (iv) above, in the course of inquiry, the Commission went to England to study relevant files and records of some libraries and offices. During inspection of the records, the Commission however, was not given access to two files as they were marked 'closed'. For getting access to the said documents, the Commission approached the Foreign and Commonwealth Office of the British Government, Lord Peter Archer, one of the Members of the House of Lords, requesting him to persuade the Lord Chancellor to give access to the documents and finally the Minister of External Affairs, Government of India, for the purpose, But the documents were not made available.
 - Regarding (v) above, the Commission requested the MEA to request the Government of United States of America to make available to the Commission all declassified documents on Netaji Subhas Chandra Bose/INA in their possession including those of COIA and

McArthur papers. MEA took up the matter with the Government of USA and the latter's response was positive. The Commission, taking a cue from the last paragraph of the letter of the Embassy of USA dated 23-6-2003 addressed to the MEA, requested MEA vide letter dated 28-6-2004 to engage some suitable willing scholars or students of Post Graduate class, preferably of Law, Historical Research, Political Science etc. to do the job of archival research at various American repositories of relevant historical documents on Netaji Subhas Chandra Reminders were also issued through the Commission's letters dated 6-7-2004 and 2-9-2004, "but no action was taken in this regard".

As regards JMCI's allegation regarding non-engagement of scholars to do archival searches in the US repositories, MEA has since enined vide their letter dated 5-4-2006 that the "Mission in Washington DC had not found the researchers as requested by the JMCI till the

time of the Commission writing its report." the Commission has also mentioned that they were not able to

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Findings of JMCI lankeji Temple, Toky because of the nothence of the Findings of JMCI lankeji Temple, Toky because of the nothence of the Temple authorities to accord their tonsent to price inspection and collection of potentially use-hand love JMCI, after examining 131 witnesses, visiting the U.K., Japan, pieces for Taiwan, Bangkok and Russian Federation and sieving through 308 exhibits, has submitted its findings in the report on 8th November,

which are reproduced below -2005

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is dead or alive;	dead;
(b) if he is dead, whether he died in the plane crash, as alleged	(b) He did not die in the plane crash, as alleged;
(c) whether the ashes in the Japanese temple are ashes of Nataji;	(c) The ashes in the Japanese temple are not of Netaji;
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- 4 5.1 (a) On the point of Netaji's death, JMCI has stated that Netaji is dead because average Indian's life span is 70 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897). The JMCI relied on the premise of 'probability' to come to this conclusion.
 - (b) The JMCI has concluded that Netaji did not die in the plane crash because documents, like medical certificate, cremation certificate, plane crash records etc. have not been found to prove the story.
 - (c) Regarding ashes in the Japanese temple, the JMCI has stated that since the ashes collected were of Ichiro Okura not of Netaji the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.

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(d) On the point whether Netaji died in any other manner at any other place and, if so, when and how, the JMCI has stated that in the absence of any clinching evidence, a positive answer cannot be given.

(e) As regards the whereabouts of Netaji in case he is alive, the Commission has stated that the answer is already given in (a).

Notification) the Commission is of the view – consequent upon its above findings – that in undertaking the scrutiny of publications touching upon the question of death or otherwise of Netaji, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged.

Observation on the findings of the Commission

6. The earlier Committee and Commission came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.

6.1 Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee

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any reason to disbelieve their stores." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are in no way obliged to give evidence according to any particular brief." The Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

- 6.2 On this point, Khosla Commission recorded that "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate."
- 6.3 Regarding the Commission's response to terms of reference (b) that Netaji did not die in the plane crash, the basis of the conclusion is the non-availability of papers relating to the plane crash. In this regard, Khosla Commission observed that "the papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against

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reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

- 6.4 As regards the ashes kept in the Renkoji Temple of Tokyo as contained in (c) of the terms of reference, the JMCI's conclusion that the ashes in the Japanese temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has been passed off as that of Netaji.
- 6.5 Shah Nawaz Committee's findings on ashes is that "From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial General Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's house, and finally to the Renkoji temple. There is no break in the chain." The Committee also concluded that "So, although there cannot be absolute certainty, nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple, Tokyo, are the ashes of Netaji Subhas Chandra Bose."
- before the Khosla Commission who held that "It is clear that neither the name nor the date of birth of the deceased mentioned in these two documents is truly descriptive of Bose." Thereafter the Commission observed that "The argument is in the nature of non-sequitur, for what does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore,

test on the mortal termine preserved on the lankers temple. Most experted to the preserved doubt about the Ancress of a DNA test on home samples which had been anticipated to high temperatures. Only one foreign company agreed to attempt intochondial DNA analysis of the remains, provided reasonizable teeth or other automical accept the contention that these documents relate to Bose and that they put remains disprove the factum of his death."

6.7 The JMCI has also not been able to get the DNA test done in respect of the ashes kept in the Renkoji Temple of Tokyo in deference to fine the strange of the "reticent attitude" of the temple authorities, and there remandes to the NEA am this regard evoked no response.

6.8 Regarding non-receipt of response from MEA about the DNA test, a D.O. letter dated 30-3-2006 was written to the MFA MEA in reply dated 5 4 2006 has mentioned that "It is MEA's understanding that the Head Priest of Renkoji Temple has agreed to the DNA testing of the alleged remains of Netaji kept in his temple in Tokyo, with the only conditions being that the names of his father and himself be recognized wherever the remains are finally interred and that if possible, he be allowed to retain any part of the remains so that he can continue to pray for the soul of Netaji.

dated 3-4-2006, the Director, Central for Cellular and Molecular Biology, Hyderabad, by his letter dated 4-4-2006 has since opined that "There is hardly any piece of bone apparently unburnt. Based on our past experience of trying to isolate DNA from such type of forensic samples, I can confidently say that there is hardly any possibility (may be about 1%) of getting any DNA at all. I would also like to point out that if we make an attempt to isolate DNA with such a low possibility, the total ashes will be used up in the process, and nothing will be left."

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6.10 In the light of the views expressed by the Director, CCMB, Hyderabad, it is apparent that even if the ashes preserved in the Renkoji Temple of Tokyo are accessed and put to DNA test, no useful purpose will be served.

Conclusion

7. The Government may, therefore, regretfully accept the finding of JMCI that Netaji Subhas Chandra Bose is dead. But the Government may not accept the finding of JMCI that he did not die in the plane crash-because of any conclusive evidence in that regard.

the Circumstances of his death.

not disprove the plane crash in the face of overwhelming oral evidence of those who survived the crash.

Proposal

- 8. The proposals contained in para 7 above are placed before the Cabinet for approval. Approval of the Cabinet is also solicited to the Action Taken Report annexed.
- 9. Home Minister has seen and approved the Note.

(B. Bhamathi)
Joint Secretary (Security)

To

Cabinet Secretariat

MEMORANDUM OF ACTION TAKEN ON THE REPORT
OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY
REGARDING THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE

Mars Sur St.

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- regretfully accepted the conclusion that Netaji may not be with us any and it is more; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because comprehensively absence of documents does not disprove the plane crash story establish particularly when there is overwhelming oral evidence of those who the circumstances of his death

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survived the crash, as testified before the Netaji Inquiry Committee (Shah Nawaz Committee), 1956 and Khosla Commission, 1972 - 74.

3. This Report is placed before the Houses as required under subsection (4) of Section 3 of the Commissions of Inquiry Act, 1952.

TOP SECRET MOST IMMEDIATE

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Dated: April 24, 2006.

D.O.No. 12014/2/2006-NCB.II

B. Bhamathi, Joint Secretary (Security).

Justice Mukherjee Commission of Inquiry appointed to inquire into the alleged disappearance of Netgaji Sbhas Chandra Bose, has since sumbmitted its report. The report is being processed and will be tabled in May 2006.

In the report, the Commission has stated that they received, inter alia, copies of the proceedings of the Khosla Commission in 'Argument Session' only and copy of a list of 202 documents was exhibited before that Commission. Out of these 202 exhibits, only 89 were furnished by the MHA, Government of India and that 'T' Branch of Internal Security Division of MHA could not make available the remaining documents for scrutiny.

I would request you to kindly offer your comments/views on the matter immediately so that the same could be incorporated in the Cabinet Note.

Yours sincerely,

LB-Bhanaki

(B. Bhamathi)

Shri S.K. Chattopadhyay, JS(Coordination &PG), MHA, North Block, New Delhi. 98 - 1

Ministry of Home Affairs
Security Division

The undersigned had a talk with Shri Chhabra of Lok Sabha Secretariat and the following information was collected –

i) At least three days' advance notice is to be given to the Secretary General for tabling the report of JMCI.

ii) If HM authenticates the English version of the report. the Hindi version is to be authenticated by any Minister of State of this Ministry.

iii) The notice should be accompanied by a statement explaining the delay.

(S.K. Goswami)
Under Secretary



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TOP SECRET

नार्थ ब्लाक, नई दिल्ली-110001

MINISTRY OF HOME AFFAIRS GOVERNMENT OF INDIA NORTH BLOCK, NEW DELHI-110001

April 28, 2006

D.O. No. F.14/5/2006-T

Dear Madam,

Kindly refer to your D.O. No. 12014/2/2006-NCB.II dated 24.4.2006 addressed to JS(C&PG) regarding production of certain exhibits to the Security Division for scrutiny. In this connection, the following is submitted for your kind perusal:

- i) As per the available records in the T Branch, only three files were requisitioned in the year 2001 by the then D.III section of IS Division (presently NCB.II Section of the Security Division) for being submitted to the Justice Mukherjee Commission of Inquiry. The said file nos. are F.No. 21/51/70-T, F.No. 14/1/88-T and F.No. I/12014/27/93-IS(D.III). Out of these three files, one file bearing no. F.I/12014/27/93-IS(D.III) was retained by the D.III Section and the other two files returned back to the T Branch.
- ii) There are no records in T Branch to show that it supplied any exhibit to the Khosla Commission. It may also be mentioned that no earlier reference calling for the said exhibits is available in T Branch. Further, a file can be retrieved from T Branch only by the Section concerned (by an officer of the level of DS and above) on the basis of verbal or written communication received from them and all file movements are recorded in the Section's Peon Book.
- iii) So far as submitting the exhibits to Security Division for scrutiny is concerned, it may be pertinent to note that T Branch is the repository only for 'top secret documents' and since no list has been furnished by the Security Division, the Section is unable to assess as to whether the exhibits called for by the Security Division are in the nature of Top Secret records. As the 89 exhibits purported to have been collected from MHA were not supplied by T Branch, it is likely that the

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list of exhibits contain documents which may be available in other Sections/Divisions of MHA.

2. Therefore, I would request you to look into the matter in the light of above observations.

With regards,

Yours sincerely,

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(Animesh Bharti)

Ms. B. Bhamathi Joint Secretary (Security) Ministry of Home Affairs, Lok Nayak Bhawan, New Delhi. 93-

Secret Copy No.

No.12014/8/2005-NCB.II Government of India/Bharat Sarkar Ministry of Home Affairs/Grih Mantralaya

Dated: April , 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report – Regarding.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged death/disappearance of Netaji. This was raised in the Parliament also from time to time. Subsequently, the Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956 "To enquire into and report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August 1945, his alleged death as a result of an aircraft accident, and subsequent developments connected therewith." While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, took a different view and had not signed the report. The majority report was accepted by the Government of India.

2. The majority report, however, did not satisfy the public in general and several Members of the Parliament in particular, and, there was vociferous/demand for a fresh

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inquiry into the matter, Accordingly, the Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970 to "inquire into all the facts and circumstances relating to the disappearance of Netaji Subhas Chandra Bose in 1945 and the subsequent developments connected therewith and make its report to the Central Government. This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The Government of India accepted this report.

Appointment of Justice Mukherjee Commission of Inquiry

3.1 The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was consistent demand for fresh inquiry into this matter. In a writ petition filed before the Kolkata High Court, a Division Bench, by its judgment dated 30th April, 1998, directed Union of India to re-inquire into the alleged disappearance of Netaji, in accordance with law, by appointing a Commission of Inquiry.

Assembly on December 24, 1998 demanding that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them, and also institute a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.

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3.32 Consequently, the Government of India appointed Mukherjee Commission of Inquiry) headed by Justice M.K. Mukherjee, Retired Judge of the Supreme Court, on 14th May, 1999 to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including—

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

Findings of JMCI

- 4.1 JMCI, after examining 131 witnesses, visiting the U.K., Japan, Taiwan, Bangkok and Russian Federation and sieving through 308 exhibits, has submitted its findings in the teport on 8th November, 2005 which are reproduced below
 - (a) Netaji Subhas Chandra Bose is dead
 - (b) He did not die in the plane crash, as alleged.
 - (c) The ashes in the Japanese temple are not of Netaji.
 - (d) In the absence of any clinching evidence a positive answer cannot be given.
 - (e) Answer already given in (a) above.

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- 4.2 (a) On the point of Netaji's death, JMCI has stated that Netaji is dead because average Indian's life span is 70 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897). The JMCI relied on the premise of 'probability' to come to this conclusion.
- (b) The JMCI has concluded that Netaji did not die in the plane crash because documents, like medical certificate, cremation certificate, plane crash records etc. have not been found to prove the story.
- (c) Regarding ashes in the Japanese temple, the JMCI has stated that since the ashes collected were of Ichiro Okura not of Netaji the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.
- (d) On the point whether Netaji died in any other manner at any other place and, if so, when and how, the JMCI has stated that in the absence of any clinching evidence, a positive answer cannot be given.
- (e) As regards the whereabouts of Netaji in case he is alive, the Commission has stated that the answer is already given in (a).
- 4.3 As regards the ancillary query (vide paragraph 3 of the Notification) the Commission is of the view consequent upon its above findings that in undertaking the scrutiny of publications touching upon the question of death or otherwise of Netaji, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged.

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Limitations and constraints mentioned by the Commission

- Two of the report. The Commission has observed that some files/ documents were not produced by the Government of India. Of these files/documents the following would have been, in the opinion of the Commission, of great assistance in answering the terms of reference.
 - i) File No. 12(226)/56-PM (Investigation into the circumstances leading to the death of Subhas Chandra Bose).
 - ii) Non-availability of 'contemporary official records' referred to by Prime Minister Morarji Desai in the Lok Sabha on 28-8-1978.
 - iii) Records of the entire proceedings of the Khosla Commission and a large number of the documents exhibited before it.
 - iv) Two British Government files were not given access to in England as they were marked 'closed'
 - v) Commission's request to engage some suitable willing scholars or students of Post Graduate class, preferably of Law, Historical Research, Political Science, etc. to do the jet of archival research at various American repositories of relevant historical documents on Netaji Subhas Chandra Bose was not acted upon.
- As regards (i), the Director PMO, by letter dated 4-7-2000 had stated that "file No. 12(226)/56-PM which contained agenda paper/cabinet decision regarding "Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose" was destroyed in 1972 in course of routine review/weeding of old records since records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured". However, according to letter

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dated 31-10-2000 of Deputy Secretary Cabinet Secretariat, "their organization had no record relating to the events as it was formed only on September 21, 1968."

- 5.3 As regards (ii) above, the Commission observed that it found it extremely difficult to persuade itself of the non-availability of contemporary official records which were referred to by Prime Minister Morarji Desai in reply to a motion moved by Prof. Samar Guha in the Lok Sabha on 28-8-1978 "There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the aircrash on 18th August 1945 The majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive." But no such 'further contemporary official documentary records' was available in the PMO, the MEA, the Cabinet Secretariat and the MHA. Referring to file No. 2/64/78-PM, Joint Secretary, PMO, wrote to say that the materials in the file merely included letters from non-Government personalities with reference to old newspapers and notes thereon.
- 5.4 Regarding (iii) above, the Commission was provided with all available records pertaining to the proceedings of the Khosla Commission. Some records of

Khosla Commission could, however, not be retrieved in spite of vigorous efforts and, therefore, could not be supplied to the Commission for its scrutiny.

- 5.5 Regarding (iv) above, in the course of inquiry, the Commission went to England to study relevant files and records of some libraries and offices. The Commission was, however, withheld access to some papers from the files of Intelligence and Security agencies (reportedly not containing any additional information relating to Nectaji's death) by the Foreign and Commonwealth Office of the British Government on the ground that they were 'closed.'.
- Government of United States of America to make available to the Commission all declassified documents on Netaji Subhas Chandra Bose/INA in their possession including those of CIA and McArthur papers, MEA took up the matter with the Government of USA and the response of their Director of Textual Archives Services Division was positive. While the Embassy of the United States of America in India stated that they did not have any documents relevant to the period of the disappearance of Mr. Bose, the Commission taking a cue from their last paragraph of the letter dated 23-6-2003 addressed to the MEA, requested MEA (vide letter dated 28-6-2004) o engage some suitable willing scholars or students of Post Graduate class, preferably of Law, Historical Research, Political Science etc. to do the job of archival research at various American repositories of relevant historical documents on Netaji Subhas Chandra Bose. Reminders were also issued

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through the Commission's letters dated 6.7 2004 and 2.9 2004, "but no action was taken in this regard". MEA has since informed vide their letter dated 5-4-2006 that the "Mission in Washington DC had not found the researchers as requested by the

JMCI till the time of the Commission writing its report."

5.7 The Commission has also mentioned that they were not able to proceed further on the matter of DNA testing of the ashes lying in the Renkoji Temple, Tokyo, because of the reticence of the Temple authorities to accord their consent to physical inspection and collection of potentially less-charred bone pieces from the casket lying in their custody.

Observations on the findings of the Commission

6.1 The earlier Committee and Commission which enquired into the matter

came to the conclusion that Netaji died from burn injuries sustained in the plane

crash at Taihoku on 18th August, 1945.

6.2 Shah Nawaz Committee has stated in their report that "It will thus be seen

that the evidence given by witnesses before us as to Netaji's death is corroborated

by the findings of British and American Intelligence organizations who undertook

independent enquiries very soon after the occurrence, and the conclusions of an

unofficial enquiry conducted a year later by an Indian journalist. As for the

witnesses who have deposed before us, neither from their antecedents, nor from the

manner in which they made their statements, has the Committee any reason to

disbelieve their stories." The Committee also stated that "Most of the Japanese

witnesses are not now connected with the Government of Japan, and are in no way obliged to give evidence according to any particular brief." The Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

On this point, Khosla Commission recorded that "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's copassengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate."

did not die in the plane crash, the basis of the conclusion is the non-availability of papers relating to the plane crash. In this regard, Khosla Commission observed that "the papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense

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and the rules of evidence to base a conclusion on such an unjustifiable and

unsubstantiated assumption."

6.5 As regards the ashes kept in the Renkoji Temple of Tokyo as contained in

(c) of the terms of reference, the JMCI's conclusion that the ashes in the Japanese

temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has

been passed off as that of Netaji.

6.6 Shah Nawaz Committee's findings on ashes is that "From what has been

said, it will be seen that the ashes were moved in stages from the crematorium to

Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo

Imperial General Headquarters. The progress thereafter was from the Imperial

General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's

house, and finally to the Renkoji temple. There is no break in the chain." The

Committee also concluded that "So, although there cannot be absolute certainty,

nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple,

Tokyo, are the ashes of Netaji Subhas Chandra Bose."

6.7 The death certificate relating to Ichiro Okura was also produced before the

Khosla Commission who held that "It is clear that neither the name nor the date of

birth of the deceased mentioned in these two documents is truly descriptive of

Bose." Thereafter the Commission observed that "The argument is in the nature of

non-sequitur, for what does not relate to an event, cannot be used to disprove it. It

is tanta mount to raising a phantom and then destroying it. I do not, therefore,

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accept the contention that these documents relate to Bose and that they disprove the factum of his death."

6.8 The JMCI contacted some experts in India and abroad to conduct a successful DNA test on the mortal remains preserved in the Renkoji Temple. Most experts expressed doubt about the success of a DNA test on bone samples which had been subjected to high temperatures. Only one foreign company agreed to attempt mitochondrial DNA analysis of the remains, provided recognizable teeth or other anatomically identifiable parts remain. The Commission sought such assurance from the Temple authorities; but finally stated that it had not been able to get this DNA test done because of "reticent attitude" of the temple authorities, and their reminders to the MEA in this regard evoked no response.

6.9 Regarding non-receipt of response from MEA about the DNA test, in reply to D.O. letter dated 30-3-2006 MEA have since informed that "It is MEA's understanding that the Head Priest of Renkoji Temple has agreed to the DNA testing of the alleged remains of Netaji kept in his temple in Tokyo, with the only conditions being that the names of his father and himself be recognized wherever the remains are finally interred and that if possible, he be allowed to retain any part of the remains so that he can continue to pray for the soul of Netaji."

6.10 In response to D.O. letter dated 3-4-2006, the Director, Central for Cellular and Molecular Biology, Hyderabad (where facilities are now available for study of ancient DNA), by his letter dated 4-4-2006 has since opined that "There is hardly

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any piece of bone apparently unburnt. Based on our past experience of trying to isolate DNA from such type of forensic samples, I can confidently say that there is hardly any possibility (may be about 1%) of getting any DNA at all. I would also like to point out that if we make an attempt to isolate DNA with such a low possibility, the total ashes will be used up in the process, and nothing will be left."

6.11 In the light of the views expressed by the Director, CCMB, Hyderabad, it is apparent that no useful purpose may be served even if the mortal remains preserved in the Renkoji Temple of Tokyo are obtained and put to DNA testing.

Conclusion

7. The Government may, therefore, regretfully accept the findings of JMCI that Netaji Subhas Chandra Bose is dead and that it may not be now possible to comprehensively establish the circumstances of his death. However, the Government may not accept the finding of JMCI that he did not die in the plane crash since the absence of documents does not conclusively disprove the plane crash in the face of overwhelming oral evidence of those who survived the crash.

Proposal

- 8. The proposals contained in para 7 above are placed before the Cabinet for approval. Approval of the Cabinet is also solicited to the Action Taken Report at the Annexaged.
 - 9. Implementation Schedule is given in the Appendix.

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APPENDIX

STATEMENT OF IMPLEMENTATION SCHEDULE

Subject:

Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report – Regarding.

Justice Mukherjee Commission of Inquiry was set up on 14th May, 1999 and the terms of reference were the following

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

The Government have examined the report in detail and have accepted the conclusion that Netaji may not be alive any more and it is now not possible to comprehensively establish the circumstances of his death; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because absence of documents does not conclusively disprove the overwhelming oral evidence of those who survived the crash, as testified before the Shaw Nawaz Committee and Khosla Commission.

The report will be tabled before both the Houses of Parliament in the reconvened second part of the 7th Session of 14th Lok Sabha and 207th Session of Rajya Sabha.



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No. 12014/8/2005-NCB.II
Ministry of Home Affairs

10. Home Minister has seen and approved the Note.

(B. Bhamathi)
Joint Secretary (Security)

To

Cabinet Secretariat

ANNEXURE

MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (f) whether Netaji Subhas Chandra Bose is dead or alive;
- (g) if he is dead, whether he died in the plane crash, as alleged;
- (h) whether the ashes in the Japanese temple are ashes of Netaji;
- (i) whether he has died in any other manner at any other place and, if so, when and how;
- (j) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the report in detail and have regretfully accepted the conclusion that Netaji may not be with us any more and it is now not possible to comprehensively establish the circumstances of his death; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because absence of documents does not conclusively disprove the overwhelming oral evidence of those who survived the crash, as testified before the Netaji Inquiry Committee (Shah Nawaz Committee), 1956 and Khosla Commission, 1972 74.

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3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

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Secret Copy No.

No.12014/8/2005-NCB.II Government of India/Bharat Sarkar Ministry of Home Affairs/Grih Mantralaya

Dated: May , 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose - Action Taken Report -Regarding.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged death/disappearance of Netaji. The Government of India appointed a threemember Committee headed by Shri Shah Nawaz Khan in 1956 "To enquire into and report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August 1945, his alleged death as a result of an aircraft accident, and subsequent developments connected therewith.". While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, differed and did not sign the report. The majority report was accepted by the Government of India.

However, because of continual demand for a fresh inquiry into the matter, The Government of India, in exercise of the powers conferred under the Commissions of

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Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970 to "inquire into all the facts and circumstances relating to the disappearance of Netaji Subhas Chandra Bose in 1945 and the subsequent developments connected therewith and make its report to the Central Government". This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The Government of India accepted this report.

Appointment of Justice Mukherjee Commission of Inquiry

3.1 The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was consistent demand for fresh inquiry into this matter. In a Writ Petition filed before the Kolkata High Court, a Division Bench, by its judgment dated 30th April, 1998, directed the Union of India to re-inquire into the alleged disappearance of Netaji, in accordance with law, by appointing a Commission of Inquiry. This was followed by a motion adopted by the West Bengal Legislative Assembly on December 24, 1998 demanding that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them; and also institute a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.

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- 3.2 Consequently, on 14th May, 1999 the Government of India appointed the Justice Mukherjee Commission of Inquiry (JMCI) headed by Justice M.K. Mukherjee, Retired Judge of the Supreme Court, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including
 - (a) whether Netaji Subhas Chandra Bose is dead or alive;
 - (b) if he is dead, whether he died in the plane crash, as alleged;
 - (c) whether the ashes in the Japanese temple are ashes of Netaji;
 - (d) whether he has died in any other manner at any other place and, if so, when and how;
 - (e) if he is alive, in respect of his whereabouts.

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Findings of JMCI

- 4.1 JMCI, after examining 131 witnesses, visiting U.K., Japan, Taiwan, Bangkok and the Russian Federation and sieving through 308 exhibits, has submitted its findings on 8th November, 2005 as follows
 - (a) Netaji Subhas Chandra Bose is dead
 - (b) He did not die in the plane crash, as alleged.
 - (c) The ashes in the Japanese temple are not of Netaji.
 - In the absence of any clinching evidence a positive answer cannot be given.
 - (e) Answer already given in (a) above.

- 4.2 (a) On the point of Netaji's death, JMCI has stated that Netaji is dead because the average Indian's life span is 70 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897). The JMCI relied on the premise of 'probability' to come to this conclusion.
- (b) The JMCI has concluded that Netaji did not die in the plane crash in his whence of the documentary and dence such as the because documents, like medical certificate, cremation certificate, plane crash records etc. have not been found to prove the story.
- (c) Regarding the ashes preserved in the Japanese temple, the JMCI has stated that since the ashes collected were of Ichiro Okura not of Netaji the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.

(d) On the point whether Netaji died in any other manner at any other place

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the IMCI has stated that in the absence of any clinching evidence, a positive

answer cannot be given. The only light head the frence that cam be drawn

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(e) As regards the whereabouts of Netaji in case he is alive, the

Commission has stated that the answer is already given in (a).

As regards the ancillary query (vide paragraph 3 of the Notification), the Commission is of the view that in undertaking the scrutiny of publications touching upon the question of death or otherwise of Netaji, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged.

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Limitations and constraints mentioned by the Commission

- Two of the Report. The Commission has observed that some files/ documents which were not produced would have been of great assistance in answering the terms of reference 5 New & follows:
 - i) File No. 12(226)/56-PM (Investigation into the circumstances leading to the death of Subhas Chandra Bose),
 - ii) 'Contemporary official records' referred to by Prime Minister Morarji Desai in the Lok Sabha on 28-8-1978,
 - iii) Records of the entire proceedings of the Khosla Commission and documents exhibited before it.
 - iv) Two British Government files that were withheld access.
 - v) Commission's request to engage suitable scholars or students for archival research at various American repositories was not acted upon.
- As regards (i), the Director, PMO, by letter dated 4-7-2000 had stated that "file No. 12(226)/56-PM which contained agenda paper/cabinet decision regarding Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose was destroyed in 1972 in course of routine review/weeding of old records since records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured". However, according to letter dated 31-10-

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2000 of Deputy Secretary, Cabinet Secretariat, "their organization had no record relating to the events as it was formed only on September 21, 1968."

As regards (ii) above, the Commission has observed that it found it extremely difficult to persuade itself of the non-availability of contemporary official records which were referred to by Prime Minister Morarji Desai in reply to a motion moved by Prof. Samar Guha in the Lok Sabha on 28-8-1978 viz. "There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 The majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive." But no such 'further contemporary official documentary records' was available in the PMO, the MEA, the Cabinet Secretariat and the MHA. Referring to file No. 2/64/78-PM, Joint Secretary, PMO, wrote to say that the materials in the file merely included letters from non-Government personalities with reference to old newspapers and notes thereon.

8. Regarding (iii) above, the Commission was provided with all available records pertaining to the proceedings of the Khosla Commission. Some records of

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An africant and, therefore, could not be supplied to the Commission for its scrutiny. In africant so this effect was fronted to the Commission by the settle of Regarding (iv) above, in the course of inquiry, the Commission went to England to study relevant files and records of some libraries and offices. The Commission was, however, withheld access to some papers from the files of Intelligence and Security agencies (reportedly not containing any additional information relating to Netaji's death) by the Foreign and Commonwealth Office of the British Government on the ground that they were 'closed,'.

Regarding (v) above, at the Commission's behest, the MEA requested the Government of United States of America to make available to the Commission all declassified documents on Netaji Subhas Chandra Bose/INA in their possession including those of CIA and McArthur papers. The response of their Director of Textual Archives Services Division was positive, while the Embassy of the United States of America in India stated that they did not have any documents relevant to the period of Netaji's disappearance. Taking a cue from the last paragraph of the letter dated 23-6-2003, the Commission requested MEA (wide letter dated 28-6-2004) to engage some suitable willing scholars or students of Post Graduate class, preferably of Law, Historical Research, Political Science etc. to do the job of archival research at various American repositories of relevant historical documents on Netaji Subhas Chandra Bose. MEA has since informed vide their letter dated

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5-4-2006 that the "Mission in Washington DC had not found the researchers as requested by the JMCI till the time of the Commission writing its report."

5. 7 The Commission has also mentioned that they were not able to proceed further on the matter of DNA testing of the ashes lying in the Renkoji Temple, Tokyo, because of the reticence of the Temple authorities to accord their consent to physical inspection and collection of potentially less charred bone pieces from the casket lying in their custody.

Observations on the findings of the Commission

- 6.1 The earlier Committee and Commission which enquired into the matter came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.
- 6.2 The Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stories." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are in no way obliged to give evidence according to any particular brief."

Source

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Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

- 6.3 On this point, the Khosla Commission recorded that "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's copassengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate."
- 6.4 The basis of JMCI's response to terms of reference (b) is the non-availability of papers relating to the plane crash. In this regard, the Khosla Commission observed that "the papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

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6.5 As regards the ashes kept in the Renkoji Temple of Tokyo as contained in

(c) of the terms of reference, the JMCI's conclusion that the ashes in the Japanese

temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has

been passed off as that of Netaji.

6.6 JShah Nawaz Committee's findings on ashes is that "From what has been

said, it will be seen that the ashes were moved in stages from the crematorium to

Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo

Imperial General Headquarters. The progress thereafter was from the Imperial

General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's

house, and finally to the Renkoji temple. There is no break in the chain." The

Committee also concluded that "So, although there cannot be absolute certainty,

nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple,

Tokyo, are the ashes of Netaji Subhas Chandra Bose."

The death certificate relating to Ichiro Okura was also produced before the

Khosla Commission who held that "It is clear that neither the name nor the date of

birth of the deceased mentioned in these two documents is truly descriptive of

Bose." Thereafter the Commission observed that "The argument is in the nature of

non-sequitur, for what does not relate to an event, cannot be used to disprove it. It

is tantamount to raising a phantom and then destroying it. I do not, therefore,

accept the contention that these documents relate to Bose and that they disprove the

factum of his death."

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6.8 The JMCI contacted some experts in India and abroad to conduct a successful DNA test on the mortal remains preserved in the Renkoji Temple. Most experts expressed doubt about the success of a DNA test on bone samples which had been subjected to high temperatures. Only one foreign company agreed to attempt mitochondrial DNA analysis of the remains, provided recognizable teeth or other anatomically identifiable parts remain. The Commission sought such assurance from the Temple authorities; but finally stated that it had not been able to get this DNA test done because of "reticent attitude" of the temple authorities, and their reminders to the MEA in this regard evoked no response.

6.6 Regarding non-receipt of response from MEA about the DNA test, MEA have since informed (in reply to D.O. letter dated 30-3-2006), that "It is MEA's understanding that the Head Priest of Renkoji Temple has agreed to the DNA testing of the alleged remains of Netaji kept in his temple in Tokyo, with the only conditions being that the names of his father and himself be recognized wherever the remains are finally interred and that if possible, he be allowed to retain any part of the remains so that he can continue to pray for the soul of Netaji."

6.10 In response to D.O. letter dated 3-4-2006, the Director, Central for Cellular and Molecular Biology, Hyderabad (where facilities are now available for study of ancient DNA), by his letter dated 4-4-2006 has since opined that "There is hardly any piece of bone apparently unburnt. Based on our past experience of trying to isolate DNA from such type of forensic samples, I can confidently say that there is

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hardly any possibility (may be about 1%) of getting any DNA at all. I would also

like to point out that if we make an attempt to isolate DNA with such a low

possibility, the total ashes will be used up in the process, and nothing will be left."

.6.3 6. In the light of the views expressed by the Director, CCMB, Hyderabad, it is

apparent that no useful purpose may be served even if the mortal remains

preserved in the Renkoji Temple of Tokyo are obtained and put to DNA testing.

Conclusion

7. The Government may, therefore, regretfully accept the findings of JMCI

that Netaji Subhas Chandra Bose is dead and that it may not be now possible to

comprehensively establish the circumstances of his death. However, the

Government may not accept the finding of JMCI that he did not die in the plane

crash since the absence of documents does not conclusively disprove the plane

crash in the face of overwhelming oral evidence of those who survived the crash.

Proposal

8. The proposals contained in para 7 above are placed before the Cabinet for

approval. Approval of the Cabinet is also solicited to the Action Taken Report

annexed.

9. Implementation Schedule is given in the Appendix.

10. Home Minister has seen and approved the Note.

(B. Bhamathi)

Joint Secretary (Security)

To

Cabinet Secretariat

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APPENDIX

STATEMENT OF IMPLEMENTATION SCHEDULE

Subject:

Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report – Regarding.

Justice Mukherjee Commission of Inquiry was set up on 14th May, 1999 and the terms of reference were the following

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

The Government have examined the report in detail and have accepted the conclusion that Netaji may not be alive any more and it is now not possible to comprehensively establish the circumstances of his death; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because absence of documents does not conclusively disprove the overwhelming oral evidence of those who survived the crash, as testified before the Shaw Nawaz Committee and Khosla Commission.

The report will be tabled before both the Houses of Parliament in the reconvened second part of the 7th Session of 14th Lok Sabha and 207th Session of Rajya Sabha.

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ANNEXURE

MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

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- (j) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the report in detail and have regretfully accepted the conclusion that Netaji may not be with us any more and it is now not possible to comprehensively establish the circumstances of his death; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because absence of documents does not conclusively disprove the overwhelming oral evidence of those who survived the crash, as testified before the Netaji Inquiry Committee (Shah Nawaz Committee), 1956 and Khosla Commission, 1972 74.

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3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

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Secret Most Immediate

File No. 12014/8/2006-NCB.II Government of India Ministry of Home Affairs

> Lok Nayak Bhavan, New Delhi Dated the May 4, 2006.

OFFICE MEMORANDUM

Sub: Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

The undersigned is directed to forward herewith an advance copy (Copy No. 66 of English version) of the Cabinet Note on the above subject for information of PMO. The Cabinet Note is being sent separately to the Cabinet Secretariat for placing before the Cabinet. The Hindi version of the Cabinet Note will be sent later on.

(S.K. Goswami)

Encl: As above.

Under Secretary to the Govt. of India

Prime Minister's Office, [Shri Amit Agrawal, Deputy Secretary], South Block, New Delhi. - 125-

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Secret Most Immediate

File No. 12014/8/2006-NCB.II Government of India Ministry of Home Affairs

> Lok Nayak Bhavan, New Delhi Dated the May 4, 2006.

OFFICE MEMORANDUM

Sub: Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

The undersigned is directed to send herewith 65 (sixty-five) copies of English version of the Note on the above subject for placing before the Cabinet for consideration.

Five copies of the Commissions of Inquiry Act, 1952, referred to in the Note, are also enclosed.

As the subject matter is secret in nature, no Draft Press Briefing has been prepared.

A copy of the Cabinet Note has been sent separately to PMO for information.

(S.K. Goswami)

Under Secretary to the Govt. of India Tel. 2461-0466

Encl: As above.

Cabinet Secretariat, [Shri K.L. Sharma, Deputy Secretary], Room No. 12, Rashtrapati Bhavan, New Delhi.

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Secret Most Immediate

File No. 12014/8/2006-NCB.II Government of India Ministry of Home Affairs

Lok Nayak Bhavan, New Delhi Dated the May 5, 2006.

OFFICE MEMORANDUM

Sub: Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

In continuation of this Ministry's O.M. of even number dated 4.5.2006 on the above subject, the undersigned is directed to send herewith a copy (Copy No. 66) of the Hindi version of the Cabinet Note for kind information of PMO. The Hindi version of the Cabinet Note is being sent separately to the Cabinet Secretariat for placing before the Cabinet.

Encl: As above.

(S.K. Goswami)
Under Secretary to the Govt. of India
Tel.No. 2461-0466

Prime Minister's Office, [Shri Amit Agrawal, Deputy Secretary], South Block, New Delhi.

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<u>Secret</u> <u>Most Immediate</u>

File No. 12014/8/2006-NCB.II Government of India Ministry of Home Affairs

> Lok Nayak Bhavan, New Delhi Dated the May 5, 2006.

OFFICE MEMORANDUM

Sub: Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

In continuation of this Ministry's O.M. of even number dated 4.5.2006 on the above subject, the undersigned is directed to send herewith 65 (sixty-five) copies of the Hindi version of the Cabinet Note for necessary action at your end please.

le 5/5/07

(S.K. Goswami) Under Secretary to the Govt. of India Tel. 2461-0466

Encl: As above.

Cabinet Secretariat,

[Shri K.L. Sharma, Deputy Secretary],

Room No. 12, Rashtrapati Bhavan,

New Delhi.

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HM has desired that a copy of the report submitted by IMCI should be given. Accordingly a copy of the report of JMCI comisting of three volumes (vol. I, vol. IIA & vol. IIB) in placed below pl.

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D.O.No. 12014/8/2006-NCB.II

B. Bhamathi, Joint Secretary (Security)

Dated: May 10, 2006.

A Cabinet Note regarding the report of the Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose, was placed before the Cabinet on 9th May, 2006. The issuance of the formal minutes is likely to take some time and the report is proposed to be placed before both the Houses of Parliament during the re-convened Session under the provision of Section 3(4) of the Commissions of Inquiry Act, 1952.

2. As there is urgency in the matter, I shall be grateful if you kindly authorize us to proceed further in the matter pending receipt of the formal minutes of the meeting.

Yours sincerely,

B. Bhanahi 105/06

Shri Vijai Sharma, Additional Secretary, Cabinet Secretariat, New Delhi. 131

STATEMENT OF DELAY IN TABLING THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

The Justice Mukherjee Commission of Inquiry was set up by the Government of India on 14th May, 1999 under the Commissions of Inquiry Act, 1952, to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

The Commission submitted its on report on 8th November, 2005. As per the provision of Sub-section 4 of Section 3 of the Commissions of Inquiry Act, 1952, the Report submitted by the Commission is to be Tabled before each House of Parliament within a period of six months of the submission of the report by the Commission. 1' e kefter 7 h May

0

As the Report was required to be studied thoroughly, translated into Hindi and adequate number of copies printed for distribution among the Hon'ble Members and also in view of the fact that the Parliament was adjourned on 23rd March, 2006 sine die, the Government was unable to Table the Report before the Lok Sabha/Rajya Sabha within the stipulated date in May, 2006.

The report is being Tabled today i.e. 18th May, 2006 in the reconvened Session of the Parliament. There is, thus, a delay of 10 days, which was beyond the control of the Government. It is requested that the delay in submitting the Report may kindly be condoned.

Approal har sin ce keen dreed.

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STATEMENT OF DELAY IN TABLING THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

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The incidental delay has been occasioned by time taken in translation, printing and consideration of the report by the Government, and by consideration the adjournment of Parliament on 22nd March, 2006

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STATEMENT OF DELAY IN TABLING THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

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- 2. The Commission submitted its report on 8th November, 2005. As per the provision of Sub-section 4 of Section 3 of the Commissions of Inquiry Act, 1952, the Report submitted by the Commission is to be Tabled before each House of Parliament within a period of 6 months of the submission of the report by the Commission, i.e. before 7th May, 2006.
- 3. In view of the fact that Parliament was adjourned on 2 March, 2006, sine die, the Government was unable to Table the Report before the Lok Sabha/Rajya Sabha within the stipulated date.
- 4. The Report is being Tabled today, i.e. 18th May, 2006 in the re-convened Session of the Parliament. The incidental delay of 10 days was beyond the control of the Government. It is requested that the delay in submitting the Report may kindly be condoned.

has been occasioned by time taken in banding and considuation of the report By the Green the adjunctionent of Parliament on 22M Manch

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STATEMENT OF DELAY IN TABLING THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

The Justice Mukherjee Commission of Inquiry was set up by the Government of India on 14th May, 1999 under the Commissions of Inquiry Act, 1952, to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

The Commission submitted its on report on 8th November, 2005. As per the provision of Sub-section 4 of Section 3 of the Commissions of Inquiry Act, 1952, the Report submitted by the Commission is to be Tabled before each House of Parliament within a period of six months of the submission of the report by the Commission i.e. before 7th May, 2006..

The incidental delay has been occasioned by time taken in translation, printing, consideration of the report by the Government, its approval by the Cabinet and the adjournment of Parliament on 22nd March, 2006

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No. 12014/8/2006-NCB.II Government of India Ministry of Home Affairs

Lok Nayak Bhavan, Khan Market, New Delhi, dated: May , 2006.

The Speaker/Chairman, Lok Sabhat/Rajya Sabha, Parliament House, New Delhi.

Sir,

I do intend to lay on the Table of Lok Sabha the Report of the

Justice Mukherjee Commission of Inquiry into the alleged disappearance of

Netaji Subhas Chandra Bose during the current session of the Parliament.

On 17-5-2006

Yours faithfully,

Home Minister

Copy to :-

1. The Secretary General, Lok Sabha/Rajya Sabha.

2. The Table Office, Lok Sabha/Rajya Sabha.

3. Ministry of Parliamentary Affairs.

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Speaker - 230/6212 - Kay



शिवराज पाटील SHIVRAJ V. PATIL गृह मंत्री, भारत HOME MINISTER, INDIA

May 15, 2006

To,

The Hon'ble Chairman, Rajya Sabha, New Delhi.

Sir,

I give notice of my intention to lay on the Table of Rajya Sabha the Report of the Justice Mukherjee Commission of Inquiry into the alleged disappearance of Netaji Subhas Chandra Bose, along with the Action Taken Report and the Statement of reasons for delay in laying the Report, on 17th May, 2006.

Coby to: 1) Secretary Grand,

Ry'ga Sakha,

New Desm'

3) Table office, Rolya Sakhe

New Desm'

Peccived

Surfak Kuman

Jufak Kuman

3) M/o Parliamentary Appoints 15/05/06

4) Parvliament Section, MHR, North Morele

AMONTOS.

- 137-



MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the Report submitted by the Commission on 8th November, 2005 in detail and have not agreed with the findings that -
 - (a) Netaji did not die in the plane crash; and
 - (b) the ashes in the Renkoji Temple were not of Netaji.
- 3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

B8- SHIVE V. PATH HOME WHIRETER

STATEMENT OF REASONS FOR DELAY IN TABLING THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

The Justice Mukherjee Commission of Inquiry was set up by the Government of India on 14th May, 1999 under the Commissions of Inquiry Act, 1952, to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

The Commission submitted its on report on 8th November, 2005. As per the provision of Sub-section 4 of Section 3 of the Commissions of Inquiry Act, 1952, the Report submitted by the Commission is to be Tabled before each House of Parliament within a period of six months of the submission of the report by the Commission i.e. before 7th May, 2006..

The incidental delay has been occasioned by time taken in translation, printing, consideration of the report by the Government, its approval by the Cabinet and the adjournment of Parliament on 22nd March, 2006





शिवराज पाटील SHIVRAJ V. PATIL गृह मंत्री, भारतः HOME MINISTER, INDIA

दिनांक 15 मई, 2006

सेवा में,

माननीय सभापति महोदय, राज्य सभा, नई दिल्ली।

महोदय,

मैं नेताजी सुभाष चन्द्र बोस के कथित रूप से लापता होने की जांच के संबंध में न्यायमूर्ति मुखर्जी जांच आयोग की रिपोर्ट तथा उस पर की गई कार्रवाई की रिपोर्ट और रिपोर्ट को प्रस्तुत करने में हुए विलंब के कारणों का विवरण 17 मई, 2006 को राज्य सभा में प्रस्तुत करने के अपने आशय की सूचना देता हूं।

(शिव ज वि. पाटील)

नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी के संबंध में न्यायमूर्ति मुखर्जी जांच आयोग की रिपोर्ट पर की गई कार्रवाई का ज्ञापन।

नेताजी सुभाष चन्द्र बोस की 1945 में गुमशुदगी से संबंधित सभी तथ्यों एवं परिस्थितियों और उससे जुड़े घटनाक्रमों, निम्निलिखित को शामिल करते हुए, की जांच करने के लिए उच्चतम न्यायालय के सेवानिवृत्त न्यायाधीश, न्यायमूर्ति एम.के. मुखर्जी की अध्यक्षता में भारत सरकार की दिनांक 14 मई, 1999 की अधिसूचना सं. का.आ. 339 (अ) के द्वारा न्यायमूर्ति मुखर्जी जांच आयोग (जेएमसीआई) का गठन किया गया था-

- (क) क्या नेताजी सुभाष चन्द्र बोस जीवित हैं या उनका निधन हो गया है;
- (ख) यदि उनका निधन हो गया है तो क्या उनकी मौत कथित रूप से विमान दुर्घटना में हुई है;
- (ग) क्या जापान के मन्दिर में रखी अस्थियां नेताजी की अस्थियां हैं;
- (घ) क्या उनकी मृत्यु किसी अन्य स्थान पर किसी अन्य ढंग से हुई, यदि हां तो कब और कैसे;
- (ङ) यदि वह जीवित हैं तो उनका पता-ठिकाना क्या है ?
- 2. सरकार ने 8 नवम्बर, 2005 को आयोग द्वारा प्रस्तुत की गई रिपोर्ट की विस्तार से जांच की है और वह आयोग के इन निष्कर्षों से सहमत नहीं है कि -
 - (क) नेताजी की मृत्यु विमान दुर्घटना में नहीं हुई; तथा
 - (ख) रेंकोजी मंदिर में रखी हुई अस्थियां नेताजी की नहीं हैं।
- 3. इस रिपोर्ट को जांच आयोग अधिनियम, 1952 की धारा 3 की उपधारा (4) के अंतर्गत यथापेक्षितानुसार संसद के दोनों सदनों के समक्ष प्रस्तुत किया जाता है।

-141- मेन्ड अधिप्रमाणित । स्टाबी स्पार्थित । स्वत्राजी साहित्र

नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जाँच करने के लिए गठित न्यायमूर्ति मुखर्जी जाँच आयोग की रिपोर्ट को प्रस्तुत करने में हुए विलम्ब के कारणों को दशनि वाला विवरण

नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जाँच करने के लिए भारत सरकार द्वारा जाँच आयोग अधिनियम, 1952 के अंतर्गत 14 मई, 1999 को न्यायमूर्ति मुखर्जी जाँच आयोग का गठन किया गया था।

आयोग ने 8 नवम्बर, 2005 को अपनी रिपोर्ट प्रस्तुत कर दी थी। जाँच आयोग अधिनियम, 1952 की धारा 3 की उप धारा 4 के उपबन्ध के अनुसार, आयोग की रिपोर्ट आयोग द्वारा रिपोर्ट प्रस्तुत करने की तारीख से छः माह की अविध के भीतर अर्थात् 7 मई, 2006 से पहले संसद के प्रत्येक सदन के पटल पर रखी जानी थी।

इस रिपोर्ट के अनुवाद, मुद्रण, सरकार द्वारा इस पर विचार किए जाने और मंत्रिमंडल द्वारा इसका अनुमोदन किए जाने में समय लगने के कारण और 22 मार्च, 2006 को संसद के स्थगित हो जाने के कारण इस रिपोर्ट को प्रस्तुत करने में विलम्ब हुआ।



शिवराज पाटील SHIVRAJ V. PATIL गृह मंत्री, भारत HOME MINISTER, INDIA

May 15, 2006

To,

The Hon'ble Speaker, Lok Sabha, New Delhi.

Sir,

I give notice of my intention to lay on the Table of Lok Sabha the Report of the Justice Mukherjee Commission of Inquiry into the alleged disappearance of Netaji Subhas Chandra Bose, along with the Action Taken Report and the Statement of reasons for delay in laying the Report, on 17th May, 2006.

sincerely, Coby to: 1) Secsetary General, LOK Saska, New Derm. V. PATIL) Table office. Lok Sabha,

3) M/o Parliamentary Aftairs

4) Parliament Seitin, MHA, North Block 35

AUTHENTICATED SHIVE TV. PATILE HOME MINISTER

MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

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- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the Report submitted by the Commission on 8th November, 2005 in detail and have not agreed with the findings that -
 - (a) Netaji did not die in the plane crash; and
 - (b) the ashes in the Renkoji Temple were not of Netaji.
- 3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

UTHENTICATED

SHIVE V. PATH
HOME MANIETER

STATEMENT OF REASONS FOR DELAY IN TABLING THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

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The incidental delay has been occasioned by time taken in translation, printing, consideration of the report by the Government, its approval by the Cabinet and the adjournment of Parliament on 22nd March, 2006



शिवराज पाटील SHIVRAJ V. PATIL गृह मंत्री, भारत HOME MINISTER, INDIA

दिनांक 15 मई, 2006

सेवा में,

माननीय अध्यक्ष महोदय, लोक सभा, नई दिल्ली ।

महोदय,

मैं नेताजी सुभाष चन्द्र बोस के कथित रूप से लापता होने की जांच के संबंध में न्यायमूर्ति मुखर्जी जांच आयोग की रिपोर्ट तथा उस पर की गई कार्रवाई की रिपोर्ट और रिपोर्ट को प्रस्तुत करने में हुए विलंब के कारणों का विवरण 17 मई, 2006 को लोक सभा में प्रस्तुत करने के अपने आशय की सूचना देता हूं।

> आपका, (शिवराज वि. पाटील)

-146-

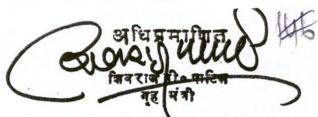
नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी के संबंध में न्यायमूर्ति मुखर्जी जांच आयोग की रिपोर्ट पर की गई कार्रवाई का ज्ञापन।

अधिप्रमाधिक विकास विकास किया में निर्मा

नेताजी सुभाष चन्द्र बोस की 1945 में गुमशुदगी से संबंधित सभी तथ्यों एवं परिस्थितियों और उससे जुड़े घटनाक्रमों, निम्नलिखित को शामिल करते हुए, की जांच करने के लिए उच्चतम न्यायालय के सेवानिवृत्त न्यायाधीश, न्यायमूर्ति एम.के. मुखर्जी की अध्यक्षता में भारत सरकार की दिनांक 14 मई, 1999 की अधिसूचना सं. का.आ. 339 (अ) के द्वारा न्यायमूर्ति मुखर्जी जांच आयोग (जेएमसीआई) का गठन किया गया था-

- (क) क्या नेताजी सुभाष चन्द्र बोस जीवित हैं या उनका निधन हो गया है;
- (ख) यदि उनका निधन हो गया है तो क्या उनकी मौत कथित रूप से विमान दुर्घटना में हुई है;
- (ग) क्या जापान के मन्दिर में रखी अस्थियां नेताजी की अस्थियां हैं;
- (घ) क्या उनकी मृत्यु किसी अन्य स्थान पर किसी अन्य ढंग से हुई, यदि हां तो कब और कैसे;
- (ङ) यदि वह जीवित हैं तो उनका पता-ठिकाना क्या है ?
- 2. सरकार ने 8 नवम्बर, 2005 को आयोग द्वारा प्रस्तुत की गई रिपोर्ट की विस्तार से जांच की है और वह आयोग के इन निष्कर्षों से सहमत नहीं है कि -
 - (क) नेताजी की मृत्यु विमान दुर्घटना में नहीं हुई; तथा
 - (ख) रेंकोजी मंदिर में रखी हुई अस्थियां नेताजी की नहीं हैं।
- 3. इस रिपोर्ट को जांच आयोग अधिनियम, 1952 की धारा 3 की उपधारा (4) के अंतर्गत यथापेक्षितानुसार संसद के दोनों सदनों के समक्ष प्रस्तुत किया जाता है।

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नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जाँच करने के लिए गठित न्यायमूर्ति मुखर्जी आँच आयोग की रिपोर्ट को प्रस्तुत करने में हुए विलम्ब के कारणों को दर्शनि वाला विवरण

नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जाँच करने के लिए भारत सरकार द्वारा जाँच आयोग अधिनियम, 1952 के अंतर्गत 14 मई, 1999 को न्यायमूर्ति मुखर्जी जाँच आयोग का गठन किया गया था।

आयोग ने 8 नवम्बर, 2005 को अपनी रिपोर्ट प्रस्तुत कर दी थी। जाँच आयोग अधिनयम, 1952 की धारा 3 की उप धारा 4 के उपबन्ध के अनुसार, आयोग की रिपोर्ट आयोग द्वारा रिपोर्ट प्रस्तुत करने की तारीख से छः माह की अविध के भीतर अर्थात् 7 मई, 2006 से पहले संसद के प्रत्येक सदन के पटल पर रखी जानी थी।

इस रिपोर्ट के अनुवाद, मुद्रण, सरकार द्वारा इस पर विचार किए जाने और मंत्रिमंडल द्वारा इसका अनुमोदन किए जाने में समय लगने के कारण और 22 मार्च, 2006 को संसद के स्थगित हो जाने के कारण इस रिपोर्ट को प्रस्तुत करने में विलम्ब हुआ। MHA Security Division

the Report of IHCI will be placed before Loke Sobba & Rojya Sobba on 17th/
18th May 2006 the copies of Report are stored in the secret Record Room. They were to be viranged volume wise and House wise for both Hindi and English.
So, some labours will be required for the purpose. A vehicle will also be required for carrying the Reports to the Parliament.

Adm. Sivision may be requested to provide 10 lobours and a vehicle tomorrow the 15-5-06. While the lotours will be required from morning till the copies are delivered to the Totale Object of Lied RS, the reflect will be necessary in the officer will be necessary in the officer will be necessary in

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शिवराज पाटील SHIVRAJ V. PATIL गृह मंत्री, भारत HOME MINISTER, INDIA

May 15, 2006

To,

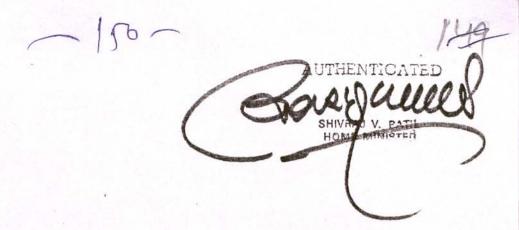
The Hon'ble Speaker, Lok Sabha, New Delhi.

Sir,

I give notice of my intention to lay on the Table of Lok Sabha the Report of the Justice Mukherjee Commission of Inquiry into the alleged disappearance of Netaji Subhas Chandra Bose, along with the Action Taken Report and the Statement of reasons for delay in laying the Report, on 17th May, 2006.

Your sincerely,

SHIVRAJ V. PATIL)



STATEMENT OF REASONS FOR DELAY IN TABLING THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

The Justice Mukherjee Commission of Inquiry was set up by the Government of India on 14th May, 1999 under the Commissions of Inquiry Act, 1952, to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

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The incidental delay has been occasioned by time taken in translation, printing, consideration of the report by the Government, its approval by the Cabinet and the adjournment of Parliament on 22nd March, 2006

AUTHENTICATED SHIMLED

MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the Report submitted by the Commission on 8th November, 2005 in detail and have not agreed with the findings that -
 - (a) Netaji did not die in the plane crash; and
 - (b) the ashes in the Renkoji Temple were not of Netaji.
- 3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.



शिवराज पाटील SHIVRAJ V. PATIL गृह मंत्री, भारत HOME MINISTER, INDIA

दिनांक 15 मई, 2006

सेवा में,

माननीय अध्यक्ष महोदय, लोक सभा, नई दिल्ली ।

महोदय,

मैं नेताजी सुभाष चन्द्र बोस के कथित रूप से लापता होने की जांच के संबंध में न्यायमूर्ति मुखर्जी जांच आयोग की रिपोर्ट तथा उस पर की गई कार्रवाई की रिपोर्ट और रिपोर्ट को प्रस्तुत करने में हुए विलंब के कारणों का विवरण 17 मई, 2006 को लोक सभा में प्रस्तुत करने के अपने आशय की सूचना देता हूं।

> आपका, (प्रिवराज वि. पाटील)

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नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी के संबंध में न्यायमूर्ति मुखर्जी जांच आयोग की रिपोर्ट पर की गई कार्रवाई का ज्ञापन।



नेताजी सुभाष चन्द्र बोस की 1945 में गुमशुदगी से संबंधित सभी तथ्यों एवं परिस्थितियों और उससे जुड़े घटनाक्रमों, निम्नलिखित को शामिल करते हुए, की जांच करने के लिए उच्चतम न्यायालय के सेवानिवृत्त न्यायाधीश, न्यायमूर्ति एम.के. मुखर्जी की अध्यक्षता में भारत सरकार की दिनांक 14 मई, 1999 की अधिसूचना सं. का.आ. 339 (अ) के द्वारा न्यायमूर्ति मुखर्जी जांच आयोग (जेएमसीआई) का गठन किया गया था-

- (क) क्या नेताजी सुभाष चन्द्र बोस जीवित हैं या उनका निधन हो गया है;
- (ख) यदि उनका निधन हो गया है तो क्या उनकी मौत कथित रूप से विमान दुर्घटना में हुई है;
- (ग) क्या जापान के मन्दिर में रखी अस्थियां नेताजी की अस्थियां हैं;
- (घ) क्या उनकी मृत्यु किसी अन्य स्थान पर किसी अन्य ढंग से हुई, यदि हां तो कब और कैसे;
- (ङ) यदि वह जीवित हैं तो उनका पता-ठिकाना क्या है ?
- 2. सरकार ने 8 नवम्बर, 2005 को आयोग द्वारा प्रस्तुत की गई रिपोर्ट की विस्तार से जांच की है और वह आयोग के इन निष्कर्षों से सहमत नहीं है कि -
 - (क) नेताजी की मृत्यु विमान दुर्घटना में नहीं हुई; तथा
 - (ख) रेंकोजी मंदिर में रखी हुई अस्थियां नेताजी की नहीं हैं।
- 3. इस रिपोर्ट को जांच आयोग अधिनियम, 1952 की धारा 3 की उपधारा (4) के अंतर्गत यथापेक्षितानुसार संसद के दोनों सदनों के समक्ष प्रस्तुत किया जाता है।

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नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जाँच करने के लिए गठित न्यायमूर्ति मुखर्जी आँच आयोग की रिपोर्ट को प्रस्तुत करने में हुए विलम्ब के कारणों को दशनि वाला विवरण

नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जाँच करने के लिए भारत सरकार द्वारा जाँच आयोग अधिनियम, 1952 के अंतर्गत 14 मई, 1999 को न्यायमूर्ति मुखर्जी जाँच आयोग का गठन किया गया था।

आयोग ने 8 नवम्बर, 2005 को अपनी रिपोर्ट प्रस्तुत कर दी थी। जाँच आयोग अधिनियम, 1952 की धारा 3 की उप धारा 4 के उपबन्ध के अनुसार, आयोग की रिपोर्ट आयोग द्वारा रिपोर्ट प्रस्तुत करने की तारीख से छः माह की अवधि के भीतर अर्थात् 7 मई, 2006 से पहले संसद के प्रत्येक सदन के पटल पर रखी जानी थी।

इस रिपोर्ट के अनुवाद, मुद्रण, सरकार द्वारा इस पर विचार किए जाने और मंत्रिमंडल द्वारा इसका अनुमोदन किए जाने में समय लगने के कारण और 22 मार्च, 2006 को संसद के स्थगित हो जाने के कारण इस रिपोर्ट को प्रस्तुत करने में विलम्ब हुआ।



शिवराज पाटील SHIVRAJ V. PATIL गृह मंत्री, भारत HOME MINISTER, INDIA

May 15, 2006

To,

The Hon'ble Chairman, Rajya Sabha, New Delhi.

Sir,

I give notice of my intention to lay on the Table of Rajya Sabha the Report of the Justice Mukherjee Commission of Inquiry into the alleged disappearance of Netaji Subhas Chandra Bose, along with the Action Taken Report and the Statement of reasons for delay in laying the Report, on 17th May, 2006.

Yours sincerely,

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MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the Report submitted by the Commission on 8th November, 2005 in detail and have not agreed with the findings that -
 - (a) Netaji did not die in the plane crash; and
 - (b) the ashes in the Renkoji Temple were not of Netaji.
- 3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

UTHENTICATED
SHIVE V. PATH
HOME MINISTER

STATEMENT OF REASONS FOR DELAY IN TABLING THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

The Justice Mukherjee Commission of Inquiry was set up by the Government of India on 14th May, 1999 under the Commissions of Inquiry Act, 1952, to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

The Commission submitted its on report on 8th November, 2005. As per the provision of Sub-section 4 of Section 3 of the Commissions of Inquiry Act, 1952, the Report submitted by the Commission is to be Tabled before each House of Parliament within a period of six months of the submission of the report by the Commission i.e. before 7th May, 2006..

The incidental delay has been occasioned by time taken in translation, printing, consideration of the report by the Government, its approval by the Cabinet and the adjournment of Parliament on 22nd March, 2006

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शिवराज पाटील SHIVRAJ V. PATIL गृह मंत्री, भारतः HOME MINISTER, INDIA

दिनांक 15 मई, 2006

सेवा में,

माननीय सभापति महोदय, राज्य सभा, नई दिल्ली ।

महोदय,

मैं नेताजी सुभाष चन्द्र बोस के कथित रूप से लापता होने की जांच के संबंध में न्यायमूर्ति मुखर्जी जांच आयोग की रिपोर्ट तथा उस पर की गई कार्रवाई की रिपोर्ट और रिपोर्ट को प्रस्तुत करने में हुए विलंब के कारणों का विवरण 17 मई, 2006 को राज्य सभा में प्रस्तुत करने के अपने आशय की सूचना देता हूं।

> अगपका, (शिवाज वि. पाटील) दीपक डुगा (15/05/2004.

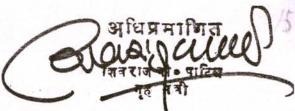
नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी के संबंध में न्यायमूर्ति मुखर्जी जांच आयोग की रिपोर्ट पर की गई कार्रवाई का ज्ञापन।

विध में अवश्री विदेशि विकास की शादिक गृह मंत्री

नेताजी सुभाष चन्द्र बोस की 1945 में गुमशुदगी से संबंधित सभी तथ्यों एवं परिस्थितियों और उससे जुड़े घटनाक्रमों, निम्नलिखित को शामिल करते हुए, की जांच करने के लिए उच्चतम न्यायालय के सेवानिवृत्त न्यायाधीश, न्यायमूर्ति एम.के. मुखर्जी की अध्यक्षता में भारत सरकार की दिनांक 14 मई, 1999 की अधिसूचना सं. का.आ. 339 (अ) के द्वारा न्यायमूर्ति मुखर्जी जांच आयोग (जेएमसीआई) का गठन किया गया था-

- (क) क्या नेताजी सुभाष चन्द्र बोस जीवित हैं या उनका निधन हो गया है;
- (ख) यदि उनका निधन हो गया है तो क्या उनकी मौत कथित रूप से विमान दुर्घटना में हुई है;
- (ग) क्या जापान के मन्दिर में रखी अस्थियां नेताजी की अस्थियां हैं;
- (घ) क्या उनकी मृत्यु किसी अन्य स्थान पर किसी अन्य ढंग से हुई, यदि हां तो कब और कैसे;
- (ङ) यदि वह जीवित हैं तो उनका पता-ठिकाना क्या है ?
- 2. सरकार ने 8 नवम्बर, 2005 को आयोग द्वारा प्रस्तुत की गई रिपोर्ट की विस्तार से जांच की है और वह आयोग के इन निष्कर्षों से सहमत नहीं है कि -
 - (क) नेताजी की मृत्यु विमान दुर्घटना में नहीं हुई; तथा
 - (ख) रेंकोजी मंदिर में रखी हुई अस्थियां नेताजी की नहीं हैं।
- 3. इस रिपोर्ट को जांच आयोग अधिनियम, 1952 की धारा 3 की उपधारा (4) के अंतर्गत यथापेक्षितानुसार संसद के दोनों सदनों के समक्ष प्रस्तुत किया जाता है।

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नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जाँच करने के लिए गठित न्यायमूर्ति मुखर्जी जाँ आयोग की रिपोर्ट को प्रस्तुत करने में हुए विलम्ब के कारणों को दशनि वाला विवरण

नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जाँच करने के लिए भारत सरकार द्वारा जाँच आयोग अधिनियम, 1952 के अंतर्गत 14 मई, 1999 को न्यायमूर्ति मुखर्जी जाँच आयोग का गठन किया गया था।

आयोग ने 8 नवम्बर, 2005 को अपनी रिपोर्ट प्रस्तुत कर दी थी। जाँच आयोग अधिनियम, 1952 की धारा 3 की उप धारा 4 के उपबन्ध के अनुसार, आयोग की रिपोर्ट आयोग द्वारा रिपोर्ट प्रस्तुत करने की तारीख से छः माह की अविध के भीतर अर्थात् 7 मई, 2006 से पहले संसद के प्रत्येक सदन के पटल पर रखी जानी थी।

इस रिपोर्ट के अनुवाद, मुद्रण, सरकार द्वारा इस पर विचार किए जाने और मंत्रिमंडल द्वारा इसका अनुमोदन किए जाने में समय लगने के कारण और 22 मार्च, 2006 को संसद के स्थगित हो जाने के कारण इस रिपोर्ट को प्रस्तुत करने में विलम्ब हुआ।

Secret Copy No. 70

No.12014/8/2005-NCB.II Government of India/Bharat Sarkar Ministry of Home Affairs/Grih Mantralaya ***

Dated: May 4, 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged death/disappearance of Netaji. The Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956 "To enquire into and report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August 1945, his alleged death as a result of an aircraft accident, and subsequent developments connected therewith".

While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, differed and did not sign the report. The majority report was accepted by the Government of India.

2. However, because of continual demand for a fresh inquiry into the matter, the Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970 to

disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including:-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how; and
- (e) if he is alive, in respect of his whereabouts.

4.0 Findings of JMCI

- 4.1 JMCI, after examining 131 witnesses, visiting U.K., Japan, Taiwan, Bangkok and the Russian Federation and sieving through 308 exhibits, has submitted its findings on 8th November, 2005 as follows:—
 - (a) Netaji Subhas Chandra Bose is dead.
 - (b) He did not die in the plane crash, as alleged.
 - (c) The ashes in the Japanese temple are not of Netaji.
 - (d) In the absence of any clinching evidence a positive answer cannot be given.
 - (e) Answer already given in (a) above.
- 4.2 (i) On (a), the JMCI has stated that Netaji is dead because the average Indian's life span is 70 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897).

Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose was destroyed in 1972 in course of routine review/weeding of old records "records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured". However, according to letter dated 31-10-2000 of Deputy Secretary, Cabinet Secretariat, "their organization had no record relating to the events as it was formed only on September 21, 1968."

5.3 As regards (ii) above, the Commission has observed that it found it extremely difficult to persuade itself of the non-availability of contemporary official records which were referred to by Prime Minister Morarji Desai in reply to a motion moved by Prof. Samar Guha in the Lok Sabha on 28-8-1978 viz. "There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 The majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions are decisive."

But no such 'further contemporary official documentary records' was available in the PMO, the MEA, the Cabinet Secretariat and the MHA. Referring to file No. 2/64/78-PM, Joint Secretary, PMO, wrote to say that the materials in the file

archival research on Netaji Subhas Chandra Bose at various American repositories.

MEA has since informed vide their letter dated 5-4-2006 that the "Mission in Washington DC had not found the researchers as requested by the JMCI till the time of the Commission writing its report."

5.7 The Commission has also mentioned that they were not able to proceed further on the matter of DNA testing of the ashes lying in the Renkoji Temple, Tokyo, because of the reticence of the Temple authorities to accord their consent to physical inspection and collection of potentially less charred bone pieces from the casket lying in their custody.

6.0 Observations on the findings of the Commission

- 6.1 The earlier Committee and Commission which enquired into the matter came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.
- 6.1.1 The Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stories." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are

As regards the ashes kept in the Renkoji Temple of Tokyo as contained in (c) of the terms of reference, the JMCI's conclusion that the ashes in the Japanese temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has been passed off as that of Netaji.

6.4.1 Shah Nawaz Committee's findings on ashes is that "From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial General Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's house, and finally to the Renkoji temple. There is no break in the chain." The Committee also concluded that "So, although there cannot be absolute certainty, nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple, Tokyo, are the ashes of Netaji Subhas Chandra Bose."

6.4.2 The death certificate relating to Ichiro Okura was also produced before the Khosla Commission which held that "It is clear that neither the name nor the date of birth of the deceased mentioned in these two documents is truly descriptive of Bose." Thereafter the Commission observed that "The argument is in the nature of non-sequitur, for what does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore, accept the contention that these documents relate to Bose and that they disprove the factum of his death."

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like to point out that if we make an attempt to isolate DNA with such a low

Ministry of Home Affairs

possibility, the total ashes will be used up in the process, and nothing will be left."

6.5.3 In the light of the views expressed by the Director, CCMB, Hyderabad, it is

apparent that no useful purpose may be served even if the mortal remains

preserved in the Renkoji Temple of Tokyo are obtained and put to DNA testing.

Conclusion

7. The Government may, therefore, regretfully accept the findings of JMCI

that Netaji Subhas Chandra Bose is dead and that it may not be now possible to

comprehensively establish the circumstances of his death. However, the

Government may not accept the finding of JMCI that he did not die in the plane

crash since the absence of documents does not conclusively disprove the plane

crash in the face of overwhelming oral evidence of those who survived the crash.

Proposal

8. The proposals contained in para 7 above are placed before the Cabinet for

approval. Approval of the Cabinet is also solicited to the Action Taken Report

annexed at Annexure II.

9. Implementation Schedule is given in the Appendix.

10. Home Minister has seen and approved the Note.

Place:New Delhi.

Date: 4.5.2006.

(B. Bhamathi)

B. Bhanah

Joint Secretary to the Government of India

To

Cabinet Secretariat,

Rashtrapati Bhawan, New Delhi.

Secret

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ANNEXURE - I

(TO BE PUBLISHED IN PART II, SECTION 3, SUB SECTION (ii) OF THE GAZETTE OF INDIA, EXTRAORDINARY DATED 14-5-1999)

Government of India Ministry of Home Affairs

NOTIFICATION

New Delhi, the 14.5.1999.

S.O. 339(E) – Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji S8bhas Chandra Bose;

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

ANNEXURE - II

MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the report in detail and have regretfully accepted the conclusion that Netaji may not be with us any more and it is now not possible to comprehensively establish the circumstances of his death; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because absence of documents does not conclusively disprove the overwhelming oral evidence of those who survived the crash, as testified before the Netaji Inquiry Committee (Shah Nawaz Committee), 1956 and Khosla Commission, 1970 74.
- 3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

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Secret Copy No. 70

No.12014/8/2005-NCB.II Government of India/Bharat Sarkar Ministry of Home Affairs/Grih Mantralaya

Dated: May 4, 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged death/disappearance of Netaji. The Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956 "To enquire into and report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August 1945, his alleged death as a result of an aircraft accident, and subsequent developments connected therewith".

While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, differed and did not sign the report. The majority report was accepted by the Government of India.

2. However, because of continual demand for a fresh inquiry into the matter, the Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970 to

"inquire into all the facts and circumstances relating to the disappearance of Netaji Subhas Chandra Bose in 1945 and the subsequent developments connected therewith and make its report to the Central Government". This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The

3.0 Appointment of Justice Mukherjee Commission of Inquiry

Government of India accepted this report.

- 3.1 The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was consistent demand for fresh inquiry into this matter. In a Writ Petition filed before the Kolkata High Court, a Division Bench, by its judgment dated 30th April, 1998, directed the Union of India to re-inquire into the alleged disappearance of Netaji, in accordance with law, by appointing a Commission of Inquiry. This was followed by a motion adopted by the West Bengal Legislative Assembly on December 24, 1998 demanding that the Government of India should enable public access to all records and documents to demystify the matters in and outside India pertaining to the whereabouts of Netaji Subhas Chandra Bose.
- 3.2 Consequently, on 14th May, 1999 (copy of Notification is annexed at Annexure I) the Government of India appointed the Justice Mukherjee Commission of Inquiry (JMCI) headed by Justice M.K. Mukherjee, Retired Judge of the Supreme Court, to inquire into all the facts and circumstances related to the

disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including:-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how; and
- (e) if he is alive, in respect of his whereabouts.

4.0 Findings of JMCI

- 4.1 JMCI, after examining 131 witnesses, visiting U.K., Japan, Taiwan, Bangkok and the Russian Federation and sieving through 308 exhibits, has submitted its findings on 8th November, 2005 as follows:-
 - (a) Netaji Subhas Chandra Bose is dead.
 - (b) He did not die in the plane crash, as alleged.
 - (c) The ashes in the Japanese temple are not of Netaji.
 - (d) In the absence of any clinching evidence a positive answer cannot be given.
 - (e) Answer already given in (a) above.
- 4.2 (i) On (a), the JMCI has stated that Netaji is dead because the average Indian's life span is 70 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897).

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- (ii) On (b), the JMCI has concluded that Netaji did not die in the plane crash as documentary evidence such as medical certificate, cremation certificate, plane crash records etc. are not available.
- (iii) On (c), the JMCI has stated that since the ashes collected were of Ichiro Okura not of Netaji the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.
- (iv) On (d) and (e), the JMCI has stated that none of the versions regarding Netaji's death stands substantiated. Hence, the only legitimate inference that can be drawn is that "Netaji is no more".

5.0 Limitations and constraints mentioned by the Commission

- 5.1 The Commission has mentioned its limitations and constraints in Chapter Two of the Report. The Commission has observed that the following files/documents, which were not produced, would have been of assistance in answering the terms of reference:
 - i) File No. 12(226)/56-PM (Investigation into the circumstances leading to the death of Subhas Chandra Bose),
 - ii) 'Contemporary official records' referred to by Prime Minister Morarji Desai in the Lok Sabha on 28-8-1978,
 - Some records of the proceedings/documents exhibited before the Khosla Commission, and
 - iv) Two British Government files.
- 5.2 As regards (i), the Director, PMO, by letter dated 4-7-2000 had stated that file No. 12(226)/56-PM which contained agenda paper/cabinet decision regarding

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Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose was destroyed in 1972 in course of routine review/weeding of old records "records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured". However, according to letter dated 31-10-2000 of Deputy Secretary, Cabinet Secretariat, "their organization had no record relating to the events as it was formed only on September 21, 1968."

5.3 As regards (ii) above, the Commission has observed that it found it extremely difficult to persuade itself of the non-availability of contemporary official records which were referred to by Prime Minister Morarji Desai in reply to a motion moved by Prof. Samar Guha in the Lok Sabha on 28-8-1978 viz. "There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 The majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive."

But no such 'further contemporary official documentary records' was available in the PMO, the MEA, the Cabinet Secretariat and the MHA. Referring to file No. 2/64/78-PM, Joint Secretary, PMO, wrote to say that the materials in the file

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merely included letters from non-Government personalities with reference to old newspapers and notes thereon.

- Regarding (iii) above, the Commission was provided with all available records pertaining to the proceedings of the Khosla Commission. Some records of Khosla Commission could, however, not be retrieved in spite of vigorous efforts and, therefore, could not be supplied to the Commission for its scrutiny. An affidavit to this effect was provided to the Commission by the then Joint Secretary (Internal Security), MHA.
- 5.5 Regarding (iv) above, in the course of inquiry, the Commission went to England to study relevant files and records of some libraries and offices. The Commission was, however, withheld access to some papers from the files of Intelligence and Security agencies (reportedly not containing any additional information relating to Netaji's death) by the Foreign and Commonwealth Office of the British Government on the ground that they were 'closed.'.
- 5.6 At the behest of the Commission, the MEA requested the Government of United States of America to make available to the Commission all declassified documents on Netaji Subhas Chandra Bose/INA in their possession including those of CIA and McArthur papers. The response of the Director of Textual Archives Services Division was positive, while the US Embassy in India stated that they did not have any documents relevant to the period of Netaji's disappearance. Taking a cue from the US Embassy's letter dated 23-6-2003, the Commission requested MEA to engage some suitable willing scholars or students to do the job of

archival research on Netaji Subhas Chandra Bose at various American repositories.

MEA has since informed vide their letter dated 5-4-2006 that the "Mission in Washington DC had not found the researchers as requested by the JMCI till the time of the Commission writing its report."

5.7 The Commission has also mentioned that they were not able to proceed further on the matter of DNA testing of the ashes lying in the Renkoji Temple, Tokyo, because of the reticence of the Temple authorities to accord their consent to physical inspection and collection of potentially less charred bone pieces from the casket lying in their custody.

6.0 Observations on the findings of the Commission

- 6.1 The earlier Committee and Commission which enquired into the matter came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.
- 6.1.1 The Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stories." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are

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in no way obliged to give evidence according to any particular brief." The Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

- 6.1.2 On this point, the Khosla Commission recorded that "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's copassengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate."
- 6.2 The basis of JMCI's response to terms of reference (b) is the non-availability of papers relating to the plane crash. In this regard, the Khosla Commission observed that "the papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

6.3 As regards the ashes kept in the Renkoji Temple of Tokyo as contained in

temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has

(c) of the terms of reference, the JMCI's conclusion that the ashes in the Japanese

been passed off as that of Netaji.

6.4.1 Shah Nawaz Committee's findings on ashes is that "From what has been

said, it will be seen that the ashes were moved in stages from the crematorium to

Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo

Imperial General Headquarters. The progress thereafter was from the Imperial

General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's

house, and finally to the Renkoji temple. There is no break in the chain." The

Committee also concluded that "So, although there cannot be absolute certainty,

nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple,

Tokyo, are the ashes of Netaji Subhas Chandra Bose."

6.4.2 The death certificate relating to Ichiro Okura was also produced before the

Khosla Commission which held that "It is clear that neither the name nor the date

of birth of the deceased mentioned in these two documents is truly descriptive of

Bose." Thereafter the Commission observed that "The argument is in the nature of

non-sequitur, for what does not relate to an event, cannot be used to disprove it. It

is tantamount to raising a phantom and then destroying it. I do not, therefore,

accept the contention that these documents relate to Bose and that they disprove the

factum of his death."

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- 6.5 The JMCI contacted some experts in India and abroad to conduct a successful DNA test on the mortal remains preserved in the Renkoji Temple. Most experts expressed doubt about the success of a DNA test on bone samples which had been subjected to high temperatures. Only one foreign company agreed to attempt mitochondrial DNA analysis of the remains, provided recognizable teeth or other anatomically identifiable parts remain. The Commission sought such assurance from the Temple authorities; but finally stated that it had not been able to get this DNA test done because of "reticent attitude" of the temple authorities, and their reminders to the MEA in this regard evoked no response.
- 6.5.1 Regarding non-receipt of response from MEA about the DNA test, MEA have since informed (in reply to D.O. letter dated 30-3-2006), that "It is MEA's understanding that the Head Priest of Renkoji Temple has agreed to the DNA testing of the alleged remains of Netaji kept in his temple in Tokyo, with the only conditions being that the names of his father and himself be recognized wherever the remains are finally interred and that if possible, he be allowed to retain any part of the remains so that he can continue to pray for the soul of Netaji."
- 6.5.2 In response to D.O. letter dated 3-4-2006, the Director, Centre for Cellular and Molecular Biology, Hyderabad (where facilities are now available for study of ancient DNA), by his letter dated 4-4-2006 has since opined that "There is hardly any piece of bone apparently unburnt. Based on our past experience of trying to isolate DNA from such type of forensic samples, I can confidently say that there is hardly any possibility (may be about 1%) of getting any DNA at all. I would also

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like to point out that if we make an attempt to isolate DNA with such a low

possibility, the total ashes will be used up in the process, and nothing will be left."

6.5.3 In the light of the views expressed by the Director, CCMB, Hyderabad, it is

apparent that no useful purpose may be served even if the mortal remains

preserved in the Renkoji Temple of Tokyo are obtained and put to DNA testing.

Conclusion

7. The Government may, therefore, regretfully accept the findings of JMCI

that Netaji Subhas Chandra Bose is dead and that it may not be now possible to

comprehensively establish the circumstances of his death. However, the

Government may not accept the finding of JMCI that he did not die in the plane

crash since the absence of documents does not conclusively disprove the plane

crash in the face of overwhelming oral evidence of those who survived the crash.

Proposal

8. The proposals contained in para 7 above are placed before the Cabinet for

approval. Approval of the Cabinet is also solicited to the Action Taken Report

annexed at Annexure II.

9. Implementation Schedule is given in the Appendix.

10. Home Minister has seen and approved the Note.

Place:New Delhi.

Date: 4.5.2006.

(B. Bhamathi)

B. Bhanahi

Joint Secretary to the Government of India

To

Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.

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APPENDIX

No. 12014/8/2005-NCB.II Government of India Ministry of Home Affairs

STATEMENT OF IMPLEMENTATION SCHEDULE

Subject:

Report of Justice Mukherjee Commission of Inquiry on alleged

disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

Benefits/result	Time frame and manner of Implementation/ Reporting to Cabinet Secretariat
Resolution of the	As per provisions of
controversy relating to	Section 3(4) of the
the alleged	Commissions of Inquiry
disappearance/death of	Act, 1952, the report
Netaji Subhas Chandra	will be tabled before the
Bose.	re-convened Session of
	both the Houses of
on white was stables.	Parliament in May 2006.
	Resolution of the controversy relating to the alleged disappearance/death of Netaji Subhas Chandra

B. Bhamathi

Joint Secretary to the Government of India

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ANNEXURE - I

(TO BE PUBLISHED IN PART II, SECTION 3, SUB SECTION (ii) OF THE GAZETTE OF INDIA, EXTRAORDINARY DATED 14-5-1999)

Government of India Ministry of Home Affairs

NOTIFICATION

New Delhi, the 14.5.1999.

S.O. 339(E) – Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come_to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji S8bhas Chandra Bose;

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

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- 2. The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including:-
 - (a) whether Netaji Subhas Chandra Bose is dead or alive;
 - (b) if he is dead, whether he died in the plane crash, as alleged;
 - (c) whether the ashes in the Japanese temple are ashes of Netaji;
 - (d) whether he has died in any other manner at any other place and, if so, when and how;
 - (e) if he is alive, in respect of his whereabouts.
- 3. The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Central Government in the circumstances
- 4. The Commission shall submit its report to the Central Government as soon as possible but not later than six months from the date of publication of this notification.
- 5. The headquarters of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.
- 6. The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of Section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government in exercise of the powers conferred by sub-section (1) of the said section 5, hereby directs that all the provisions of the said sub-sections (2) to (5) of that section shall apply to the Commission.

Sd.. ((Nikhil Kumar) 14.5.99. Special Secretary (ISP)

(F.No. VI/11034/18/98-IS(D.III)

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ANNEXURE - II

MEMORANDUM OF ACTION TAKEN ON THE REPORT OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 2. The Government have examined the report in detail and have regretfully accepted the conclusion that Netaji may not be with us any more and it is now not possible to comprehensively establish the circumstances of his death; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because absence of documents does not conclusively disprove the overwhelming oral evidence of those who survived the crash, as testified before the Netaji Inquiry Committee (Shah Nawaz Committee), 1956 and Khosla Commission, 1970 74.
- 3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

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Discussion Under

AUGUST 7, 2006

Rule 193

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for "Fifty-fifth", substitute "Fifty-seventh". (1)

(Shri P. Chidambaram)

MR. SPEAKER: The questiion is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Preamble was added to the Bill

The Long Title was added to the Bill

(Interruptions)

SHRI P. CHIDAMBARAM : I beg to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

(Interruptions)

MR. SPEAKER: I would say that it is a very sad day.

(Interruptions)

14.23 hrs.

DISCUSSION UNDER RULE 193

Report of Justice Mukherjee Commission of Inquiry regarding alleged disappearance of Netaji Subhash Chandra Bose and Memorandum of Action taken by the Government on the Report

[English]

MR. SPEAKER: The House will now take up Item NHo.15. The hon. Minister Shri Shivraj V. Patil to give the reply.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Mr. Speaker, Sir, Pandit Jawaharlal Nehru, Netaji Subhas Chandra Bose, Maulana Abul Kalam Azad. Shri Babasaheb Ambedkar, Lok Nayak Jar Prakash Narayan were a few of the young leaders, who were most respected, by one and all in the country, and who led the freedom movement with great courage and confidence and contributed towards the development of the country.

MR. SPEAKER: Hon. Minister, if your speech is ready, it can be laid and circulated to the Members.

SHRI SHIVRAJ V. PATIL : Yes, Sir. I beg to lay my speech on the Table.

'Modern history of India cannot be written without mentioning the contribution of men like them towards the cause of freedom struggle and our country's development. They were the men of vision and indomitable courage who knew the country and the world, and the potential the people of India had. Their memories inspire the people of India and would keep doing so for many many years to come. If we forget them, or if we cease to remember as to how they worked, they struggled, they built the freedom movement, we would become weaker and poorer, and lose our capacity to face the challenges of the present and the future. On the eve of the attainment of the freedom, Netaji Subhas Chandra Bose vanished from our vision, and we were deprived of his support for the construction and building of our strong future.

We should know in clear terms as to how their memories can be respected, and as to how their spirit and vision can be used to build our future. We may be able to do it better by avoiding controversies and emphasising on the positive aspects of their and our lives. Unfortunately, there arose a controversy about the existence or otherwise of Netaji Subhas Chandra Bose, and his whereabouts, and that controversy has not been fully settled and has not been allowed to disappear.

^{*}The speech was laid on the Table.



Discussion Under

He gave clarion call to his fellow patriots to march towards Delhi to hoist the national flag on the ramparts of the Red Fort. If he had come to the country on the eve of the Independence, he would have been welcomed with open arms by millions of masses of India. When he did not come after the second world war was concluded, and when the country was emancipated, the people were disappointed. Against their wishes, they began to think that he would not have been alive, otherwise he could not have resisted to come to his motherland, on the fulfilment of his dream of freedom for his country. They wished that he were alive, and feared that he might have breathed his last. That was why there was hesitation in the minds of his kith and kin, and the countrymen who made the Government of the time to constitute a three-men committee to find out the truth about his existence and winform the country about it.

The committee consisted of a person who was in the Force of Independence built by him, his brother, and a senior administrator. The committee was constituted in 1956. The committee gave the report, after examining the witnesses and the evidence available in the country and outside the country. The majority in the committee came to conclusion that he was no more, and he died in the plane crash, and his ashes were kept in Renkoji temple in Tokyo. In fact, initially all the members, one of whom was his brother, had come to the same conclusion. However, later on, may be because, his brother's affection did not allow him to hold that he was no more, or may be, because the people in the country were unwilling to think that he had died, under the pressure of his own motional inclination or of the people around him, he changed his views and gave a dissenting finding. However, the facts relating to the incident and the inquiry, and the initial view and later on the dissenting view, did convey the conclusion which was sad and not readily acceptable, however convincing it could have been.

This inquiry held was closer to the date of incident, than the enquiries held later on. The evidence given by the witnesses could have been more reliable and dependable. There was no valid reason for the witnesses to depose falsely and incorrectly. In matters of such inquiries, the oral evidence given by the witnesses, and more so the eye witnesses, is equally or on occasion more reliable than any documentary evidence. The accident had taken place in the time of war. After the war was over, the Governments in the country of accident and the neighbouring countries were changed. The documents relevant to the incident and things relating to it, could not have been safely preserved or stored or could have been destroyed or burnt in the accident. Absence of these documents would not weigh heavily against the oral evidence, given by the unbiased eye witnesses and others.

Therefore, it would not be judicially prudent to attach less importance to the findings given by the Shahnawaz Committee. The findings given were not inconclusive. They were unambiguous, clear and convincing. It is not easy to disbelive the findings and brush them aside and in their place, to accept the findings given in an inquiry which took place nearly fifty years later, and which was not conclusive, and according to which, no definite finding could be pronounced in the matter of inquiry. While assessing the credibility of the finding, we cannot afford to lose sight of theses facts.

The fiding of the Shahnawaz Committee convinced many, and it seems, for reasons known to them, failed to convince a few. The fact that inquiries made by an Indian journalist, an American, and a British, which were of the same kind, also did not find favour with the few persons who entertained doubts about the fidings. It seems that majority of the population in the country did not suspect the findings and were inclined to think that, the great leader was no more in his physical form in the world.

Khosla Commission was constituted to look into the matter again. It was done to remove the doubts entertained by a few citizens. the Commission was headed by a judge, and had to function under the Inquiry Commission Act. It went to the country where the accident took place, to the country where the ashes were kept, and SRAVANA 16, 1928 (Saka)

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crash. The following are the findings given on the issues mentioned just now:

- Netaji Subhas Chandra Bose is dead. 1
- He did not die in the plane crash as alleged. 2
- The ashes in the Japanese tample are not of 3 Netaji.
- In the absence of any clinching evidence, a positive answer cannot be given.
- 5 Answer already given in (1) above.

The findings on the point no.4 (d) are not conclusive. Therefore, it is not possible to rely upon them.

The findings given in the previous reports are conclusive and hence more reliable. Therefore, the question is why the previous findings should not be preferred and the third finding should be referred.

The Government has preferred the findings of the two previous enquiries and, not the third finding, because it is inconvlusive and not definite. I think, the Government has not done any mistake or wrong in doing so.

The Government was criticized for having delayed the submission of the Action Taken Report, and the report of the Commission in time. The law provides that it should be submitted to the legislature in six months' time. They were submitted in six months and a few days' period. The reasons given for delay are not unexcusable. The Commission was appointed to give a report in six months' time, and it took more than six years' time. This reality should be compared with the delay of a few days, caused in submitting the report of the inquiry and the action taken report. That would put the matter in correct perspective.

It was also said that no cogent reasons were given for haiving not accepted the report, and for having rejected it. The reasons were given only thing is they were not reported fully. The reasons are given fully on this occasion

when all aspects relating to the report and its comparison with other two reports are done. I do not know if all the points given in the discussions today would be reported or not. If they are not reported, allegations can be made that no valid reasons were advanced even in the debate on the subject. Two or three columns in a newspaper, or a few seconds' visual on the T.V. cannot cover the valid points and all cogent arguments. Lacunae in reporting could generate mistaken perception and misunderstanding. Netaji Subhas Chandra Bose was the darling of the masses and more revered by the congressmen and patriots of all shades and opinions. Whevever doubts were raised about his whereabouts and existence, steps were taken to find out the facts. Not once, but three times. And all the help and assistance was provided to unravel the factual position. In view of these facts, should we hold that, no steps were taken to know if were alive or not? The Government had decided to confer the Bharat Ratna on him, posthumously to revere his memory. If a person is not found to be living for seven years, generally, he is supposed to have died. This fact should have been borne in mind while objecting to conferment of the highest award in the country. The reports given could also have been borne in mind. But that was not done. Why? This should be explained. Comments can be given. But we do not want to enter into dispute of this nature, and, we leave this issue to the people to decide. The statues and portraits put in the Parliament and other official buildings are indications of the desire to respect and perpetuate his memory. He is always mentioned in a very respectful manner. All the leaders pay obeisance to his memory and try to put his view and opinion in practice to strengthen the country and develop our people. The concept of planning was very near and dear to him. That was adopted to build our country's infrastructure and industry, trade and agriculture, science and technology. He was for democracy, social. economic and cultural justice for one and all. These principles have been incorporated in the basic law of the country and in the policy of the Government. If these are not the ways to pay homage to the great souls, what are the other ways in which respect to them can be shown?

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Discussion Under

AUGUST 7, 2006

Rule 193

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[Shri Shivraj V. Patil]

Let us not fall prey to political considerations. Small concepts cannot produce great and good results. Great men are great, because of their great thoughts and concepts. Let us follow them in their foot-steps by avoiding to fall in traps of narrow-mindedness.

Why any Government would not be interested in not respecting the great hero of the freedom struggle? Are we respecting him by keeping this dispute alive, or trying to disrespect other great leaders? Let this be understood by the people.

Anything which is acceptable to all of us, to respect his memory can be done by us. If there is anything of the nature, please suggest and we would accept it.

The Government is not in a position to say that the Commission gave its report, which is conclusive and acceptable. The report has not said as to how Netaji died, where he lived, and why he lived away from his dear motherland. How can this kind of ambiguous report be accepted by all of us?

(Interruptions)

MR. SPEAKER: The House stands adjourned to meet tomorrow, the 8th August at 11 a.m.

14.33 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday. August 8, 2006/Sravana 17, 1928 (Saka)

AUGUST 03, 2006

Rule 193 400

MR. CHAIRMAN: The House shall now taken up clause-by-clause consideration to the Bill.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, The Enacting Formula and the Long Title were added to the Bill.

SHRI SHARAD PAWAR: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

18.41 hrs.

DISCUSSION UNDER RULE 193

Report of Justice Mukherjee Commission of inquiry regarding alleged disappearance of Netaji Subhas Chandra Bose—Contd.

[English]

MR. CHAIRMAN: Further discussion under Rule 193.

Shri Subrata Bose.

SHRI SUBRATA BOSE (Barasat): Thank you, Mr. Chairman. I am happy to have this opportunity to resume from where I stopped yesterday.

I would just recall that yesterday, I pointed out that how in spite of the various notings in the Government files, the then Prime Minister, Pandit Nehru continued to say in Parliament as well as in public that Netaji Subhas Chandra Bose has died in air crash and that it should be accepted by the people of India. But in his private letters he wrote otherwise. He wrote that he had no proof of his death in the air crash and he also acknowledged that there was need for further inquiry. ...(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYARANJAN DASMUNSI): My request to you, Sir, on behalf of the Government is that after the conclusion of the speech of Shri Bose today, we take up 'Zero Hour', and then the debate would continue. We can fix some other day. ...(Interruptions)

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): I have a request to make. I think, this discussion will be continued in the next week also as many hon. Members would speak. I have to attend to the Cabinet meeting and there is only one subject in the Cabinet and that belongs to me. If you permit, I can leave and the Minister of State can be there. I will read all that the hon. Members speak from the record.

SHRI SUBRATA BOSE: I will not certainly keep you away from your urgent work.

SHRI PRIYARANJAN DASMUNSI: I said that this debate will continue. Shri Bose would conclude his speech today. Then, I would request that if any other Member wants to speak, then, it is up to the decision of the Chair to allow him. Then, the 'Zero Hour' will also continue. Remaining part of the debate would conclude next week. ...(Interruptions)

[Translation]

Special mention should be taken up after the speech of the hon'ble Member because many Members want to speak on this subject. So, this should be deferred for the next day. The discussion under Rule 193 will continue further.

MR. CHAIRMAN: The discussion under Rule 193 will continue further. The House is unanimous on it so the discussion on this subject will continue further. The hon'ble Member, Subrata Bose should continue his speech. The Minister of State for Home Affairs is present in the House. He will note it and will convey all the points to him.

[English]

SHRI SUBRATA BOSE: As I was saying, I shall just go back once to the time of Pandit Nehru, just to give a startling revelation. I think, the hon. Members of the House

would be startled to hear this. This is a note of the Prime Minister's Secretariat. This bears the File No. 23(II)/56-57/PM. dated 2-12-1954 and the note is signed by Shri M.O. Mathai.

I quote from the note:

"A small amount of Rs. 200 and odd was received by the Ministry of External Affairs from our Embassy in Tokyo and along with the ashes and other remains of the late Shri Subhas Chandra Bose. This money is being kept with the External Affairs Ministry.

I have consulted the Prime Minister about this and the agrees that this amount might be transferred to INA Relief Fund. The Ministry might get in touch with the General Secretary of AICC, 7, Jantar Mantar Road, New Delhi and have this money transferred to the INA Fund. The receipt might be obtained for the Ministry's record."

That is about Rs. 200 and odd in cash. But what happened to the ashes and other remains of late Subhash Chandra Bose which had been received from the Embassy in Tokyo by the Ministry of External Affairs, that is, the then Prime Minister?

If the ashes had come to India, handed over to the Prime Minister and then what were kept in the Renkoji Temple, then what happened to the ashes which had come to India? What happened to the other remains of ate Subhas Chandra Bose, which were also handed over to the Prime Minister? This is something we have never known before. So, the whole thing, as you can see, is just a myth created by the Government of India about the ashes. All the hon. Members will agree with me. I would like to receive—I am sure all the hon. Members will join me to receive—or to hear from the Government of India, a very direct and a positive answer on this point.

This move of the Congress government to bring the ashes and bury Netaji Subhas Chandra Bose continues, even after an interlude when the Congress came back to power. They were waiting for an opportunity to once again revive the proposal to bring the so-called ashes from the Renkoji Temple. What happened to the ashes in India, nobody knows; whose ashes in the Renkoji Temple, Justice Mukherjee has an answer. These are ashes of one Ichiro Okura.

So, they got that opportunity when the country was preparing to celebrate the Birth Centenary of Netaji Subhas Chandra Bose, although in their heart of hearts, they did not want to. But the then Government felt that they had to do something. So, the Central Birth Centenary Celebration Committee was formed in 1994-Kumari Mamata Baneriee will correct me, if I am wrong-with the then Prime Minister Shri P.V. Narasimha Rao as the Chairman and the then Leader of the House Shri Pranab Mukherjee as the Deputy-Chairman. In the first meeting, the first agenda was to bring the ashes from the Renkoji Temple and building a memorial. In the Committee, other than Shri Narasimha Rao and Shri Pranab Mukherjee, there were other members. This Committee comprised of leaders of different political parties, two representatives of the family and other important personalities.

The record shows that when this agenda was taken up, there were some who boldly opposed it. I am certainly grateful to hon. Shri Atal Bihari Vajpayee, he was then I think the Leader of Opposition. I am also grateful to hon. Kumari Marnata Banerjee who was the Member of that Committee. We also recall with gratitude late Shri Chitta Basu and Shri Samar Guha. All those Leaders raised their voices against this proposal. The Chairman and the Deputy-Chairman had no other alternative but to drop it.

I think, again I am very lucky to be in the House in which Kumari Mamata Banerjee is also there. She will correct me if I am wrong. No further meeting was held. Some programmes were arranged by the Government but this Committee was not consulted. This was the character of the Congress Government.

But the Congress was toppled once again. The NDA Government came in power. In the mean time there was a High Court order that there must be a further inquiry. The West Bengal State Legislative Assembly also requested the Government of India, by passing unanimous Resolution, that there should be a further inquiry. My Party, All India Forward Bloc, and the Members of the family also urged upon the Government to institute a proper inquiry.

I think I shall be failing in my duty if I once again do not offer my gratitude to the NDA Governnment of that time, particularly to the then hon. Prime Minister, Shri Vajpayee and the then hon. Minister of Home Affairs, Shri

[Shri Subrata Bose]

Advani and other partners and associates in that Government, that in 1999—I think on the 13th of May—the Government issued a Notification appointing justice M.K. Mukherjee as the Chairman of a one-man Commission of Inquiry and gave them very definite Terms of Reference. I shall also point out to you, Sir, that unlike the previous Committee of Inquiry and the Commission of Inquiry set up in 1956 and 1970 respectively by the Congress Government, this Government under the Prime Minister-ship of Shri Vajpayee decided that they will not appoint the Chairman of the Commission of their choice and a request was made to the hon. Chief Justice of the Supreme Court of India to recommend the name of a retired Supreme Court judge to be the Chairman of the Commission.

Justice Mukherjee's name was recommended by the Chief Justice of the Supreme Court. That is why, if I may say so, we got a judge as the Chairman of the Commission who was reputed to be a man of integrity, a man of intellect, a man of sincerity and a man who had perseverance and a lot of patience.

Above all he was a man who was honest. So, he started the inquiry with an open mind. Yesterday I said, perhaps the hon. Members would remember that I became a deponent before the Commission. I filed an affidavit. It is immaterial what I said in that affidavit but I also prayed in the affidavit that irrespective of my belief or the belief of others, I want the Commission to inquire into the alleged disappearance of Netaji Subhas Chandra Bose in August 1945 with an open mind. Let them judge all the evidences and the circumstances. Let them hear people of all opinions who have different opinions. In fact, in that affidavit I said that I shall accept whatever findings the Mukherjee Commission would give.

There was an allegation that he took too long a time—six and a half years. But perhaps the Government of India has forgotten that for one year, they could not find even a suitable accommodation to house the Commission of Inquiry. After one year, the West Bengal Government had to come to their rescue and the then Minister of Food of the State Government graciously vacated his own office so that the Commission could start its work. The Government of India never bothered. In Kolkata, they had

their office. The Commission wanted a liaison office in Delhi because they had to always be in touch with the Government of India. That was given after a lapse of two years. That was the cooperation extended from the beginning itself. If the Commission took six and a half years, actually five and a half years because one year was lost, it was due to the Government's non-cooperation and the Government's attitude of not being helpful. If the hon. Members have the time to go through Volumes 2A and 2B of the Report, they would find, it only contained a record of non-cooperation from the Government of India. It is a disgraceful and shameful thing. Yes, you can say that for five years the NDA Government was in power at that point of time. But it is a fact. As I praise them I also take them to task for not cooperating with the Commission of Inquiry which they themselves had set up.

The Commission wanted to go to Taiwan. I will give you a few examples because the hon. Members have read the report. I believe. After many months of persuasion, the Government of India came out with a suggestion that since we do not have any diplomatic relationship with Taiwan, you go to Taiwan but show that you had been elsewhere Naturally, Justice Mukherjee would not agree. He said that you want me to tell an untruth. So, again after many months the Commission was granted permission to go to Taiwan, account for Taiwan visit and draw the money from the Government of India. In India, they took evidence from many persons. The number was more than hundred and they made four foreign visits.

19.00 hrs.

They first went to Japan, when to the United Kingdom, then to Taiwan and lastly to Russia.

When the Commission visited Japan, they went there with two purposes in mind. First, to visit the Renkoji temple where allegedly the ashes of Netaji Subhas Chandra Bose were kept. They went to inspect that. Hon. Members will be surprised to know that the whole programme of visit was drawn up by the Indian embassy in Tokyo. I also went there in my individual capacity on my own expenses. I had the right to go where the Commission went and attend the hearings of the Commission. We went to the Renkoji temple. The Commission wanted to take the evidence of the priest, but he refused to give any evidence. They said that they were prepared to talk to us but not on record.

Agreed. It is because if someone is not willing to give evidence, one cannot be forced.

We had the first meeting downstairs. In the upstairs there was a hall where the urn was kept containing the alleged ashes of Netaji Subhas Chandra Bose. We went upstairs. Hon, Justice Mukherjee requested them to open the urn and wanted to see the contents. They suddenly looked at each other and after about ten minutes they came and told Justice Mukherjee that they were sorry about the fact that since there were no carpenters available, they could not open the urn. I thought it was made of wood covered by a glass case and with batons put on an ordinary wooden table and they were just screwed up. Justice Mukherjee humbly suggested that it could be opened with the help of a screwdriver. They refused the suggestion and said that in Japan there was nothing like that and only a carpenter was allowed to touch it and that we may have been able to open it, but we are not allowed to do so. We came back without seeing the contents. What was the reason given? That day was a national holiday in Japan and so the carpenters did not come for work. The Indian embassy knowing that it was a national holiday had fixed up the programme for the Commission to visit the Renkoji temple. So, the first purpose was lost.

Second the Commission went to interview the doctor, whose name was Yoshimi, who had claimed to have treated Netaii Subhas Bose when he was brought to the hospital after sustaining very serious burn injuries in the air crash. He was asked as to whether he had treated Netaji Subhas Bose or not. His reply was 'no'. He did not know whom he treated as he had never seen Chandra Bose. They referred to him as 'Chandra Bose' in Japan. He had never even seen his photograph. He said that a person was brought badly burnt and that he did not know if that was Chandra Bose. He was only told by a Japanese military officer that he was the great Indian leader Chandra Bose. This man gave the name as Nakamura. We subsequently found that this man, namely, Nakamura gave evidence before the Shah Nawaz Committee and he was no more alive when the Mukherjee Commission was constituted. But when Nakamura was interrogated by the Shah Nawaz Committee as to whether he recognised Chandra Bose or not, his reply was 'no' and that Dr. Yoshimi told him that he was Chandra Bose. About other witnesses who appeared before the Shah Nawaz Committee, I had said yesterday and that has gone on record.

Secondly, there is a very interesting document in the Government of India's file. But, before that, I must tell you that Dr. Yoshimi said that he died on 18th August. When he was preparing to write the death certificate, he was told by Nakamura to give the name as Ichiro Okura because they want to keep it as a secret. But mind you. after five days, they were announcing the death of Subhas Chandra Bose. It was a military hospital and he had to obey the orders there. They asked him whether he will sign a false certificate. He said he will sign a false certificate. I also signed the cremation certificate. In their country, there has to be a separate cremation certificate alongwith the death certificate requesting the crematorium for the last rites. That was also given in the name of Ichiro Okura. Then that interesting document which Justice Mukheriee found that in one of the files of the Government of India was taken out. Justice Mukherjee asked Dr. Yoshimi, "Did you on any day issue a death certificate in the name of Subhas Chandra Bose?" He said, "No. How could I? I issued that certificate in the name of Ichiro Okura." And that was meant to be Subhas Chandra Bose's certificate. He took it out and showed that that was the death certificate issued by Dr. Yoshimi in 1988 in the name of Subhas Chandra Bose. It was 43 years after the so-called death of Bose. When he showed the certificate, he got nonplussed. He said that he had forgotten. He said, "Under what circumstances did you issue a certificate after 43 years and this time in the name of Subhas Chandra Bose?" He said that one Indian and one Japanese came to him and asked him to give a certificate as the Government of India wants it to facilitate taking out the ashes back to India. He asked, "Who was the Indian?" He said, "I have forgotten." He asked, "Who was the Japanese?" He replied, "I have forgotten the name." Then he started weeping requesting Justice Mukherjee to kindly not to report it to the Japanese Medical Council because his licence will be cancelled. Justice Mukherjee said that he had come to make an inquiry on behalf of the Government of India, he has to give a report to them and he has got nothing to do with the Japanese Government or the Japanese Medical Council. He asked, "Tell me, was it fair on your part to



After all, death certificate after 43 years?" He said, "No." After all, death certificate has to be issued within a reasonable time of the death of the person and 43 years, by no means, can be considered as a reasonable period. So, that effort was continued to bring the ashes. Possibly, if leaders like Mamata Banerjee had agreed at the meeting of the first Birth Centenary celebrations to get the asnes, this certificate would have been the proof of the death of Subhas Chandra Bose as far as Government of India was concerned. This is how things were going on.

So, we came back and then there was a visit to UK. The United Kingdom Government said that we can go to the Public Records Office and there, we can get all the documents. We collected copies of whatever documents were released and what we really thought was related to the subject like the one I mentioned. That copy of the letter of the British High Commission in Delhi, which certified that the Report of the Taiwan Government in 1956 was handed over to the Government, which was destroyed. The UK Government, whatever it does, want to do it openly. They said. "We have it".

KUMARI MAMATA BANERJEE (Calcutta South): The Government destroyed this letter. I have with me a copy.

SHRI SUBRATA BOSE: She will talk and she will help. I hope she will talk.

Then they told that they have information about Netaji Subhas Chandra Bose's death. But, they said, "They are classified and we shall open it after 2020". Seventy-five years after the event of his death or his escape. It is because, they said, there is an Official Secrets Act in the UK. So, there are facts. Still facts and information are available in the UK.

In this context, I would also say, that like the UK Government, the Government of India also withheld two files on Netaji Subhas Chandra Bose from the Commission of Inquiry. In our country also there is an Official Secrets Act and the Government took advantage of it. Due to a judgement of the Supreme Court of India, the Government had to give reasons to the Commission

as to why they want to keep it as a secret. I shall quote verbatim the reasons given by the Government of India to Justice Mukherjee for keeping these two files as classified and secret. I have read it so many times that I think I have it fully in my memory. I shall quote:

"Information contained in these files, if disclosed, will affect relations with friendly countries."

I repeat, this is what the Government gave as reason:

"Information contained in these files, if disclosed, will affect relations with friendly countries."

Shall I be wrong to assume that some friendly countries—I do not know which—did some unfriendly act as far as Netaji Subhas Chandra Bose is concerned and if that is disclosed now, that will affect the relations with those friendly countries because people of India will rise against them? Let the Government explain as to what they mean by this. They cannot reveal the information about Netaji Subhas Chandra Bose because it will affect relations with some friendly countries. Our national hero is not important, but relations with friendly countries is more important. That is a heinous and shameful attitude of the Government of India.

Now, I go back to the most important visit to Taiwan. Justice Khosla had gone there. I had mentioned it yesterday. He had not met the Government officials. Here I must say that there is an unofficial trade organisation, called the Indo-Taiwan Trade Association in Taiwan. They had been unofficially requested by the Government of India to help the Commission and they did it. The Commission was given audience by the Ministery of Extenal Affairs of the Taiwan Government; the Ministry of Internal Security or ghe Home Ministry of the Taiwan Government.

They told Justice Mukherjee unequivocally that they were absolutely sure and certain that there was no air accident in the whole State of Taiwan on the 18th August, 1945. He says that we have our records. I will tell you that there was an air accident in September, 1945. We will give you the record. It was an American plane carrying the American prisoners of war. We have the list of

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passengers who died and who were injured. But that also did not happen in Taihoku Airport, it happened in Southern Taiwan. Justice Mukheriee went to the crematorium. They said, no, this crematorium was built much later and in 1945 this was not the crematorium. But there is an old crematorium which still exists. It is not used as a crematorium, but it is today used as the Office of all Crematoriums and all records are there. You can go there and try to find out if records of 1945 are available. Justice Mukherjee went there. They said, 'yes, we have full records. But you are asking for records of 59 years ago. So, you will have to give us time and you will get this record within one month.' Justice Mukherjee asked them to please let him know whether Subhas Chandra Bose or Ichiro Okura was cremated between 15th August and 25th August, 1945 and also whether Ltd. General Shider of Japanese Army, a very high ranking official was also a passenger in that plane. General Shidei was reported to have died in that accident and the Chief Pilot, whose name I forget now, I think, I have seen the report, the pilot also has reported to have died and, therefore, Justice Mukheriee asked them to let him know whether these two persons were cremated. Crematorium kept its words and within three weeks, the record in Chinese language with certified English translation came to Justice Mukheriee. He found that Ichiro Okura was cremated on 22nd August, but his death was not on 18th but on 19th August, 1945. Lt. Gen. Shidei name was not there and the Chief Pilot's name was also not there. Those dead bodies vanished. He also found out that Ichiro Okura was a patient in that hospital. He died on the 19th August due to heart attack. A dead body was required to bury or cremate Netaji Subhas Chandra Bose. Without a dead body how could they tell whether he died and cremated? So, Ichiro Okura's dead body was used. He died on the 19th August. According to Japanese customs, the cremation takes place on the third day. So, it took place on the 22nd August, Habibur Rehman had given the date as 20th August. So on 22nd August, Ichiro Okura was cremated. In the Japanese customs unlike our Indian customs bones are kept. That is why, some bones are supposed to be there. That is why, Justice Mukherjee has concluded. There are other things in the Report but I will not go into that. Ichiro Okura's ash and bones are there. I think, the Government will come up with that question. I anticipate it.

Why did justice Mukherjee not arrange for the DNA test of whatever is there, whether it is Ichiro Okura's remains or whatever it is. After all, it is for the DNA test. Justice Mukherjee was not averse to it. He told us during the hearing: "I would like to take full advantage of the scientific advancement." He asked the Hyderabad Institute. At that time, the Hyderabad Institute said that it did not have the equipment to conduct the DNA test. Justice Mukherjee requested them for names of the Japanese or foreign experts. They gave the names: recommended the names of the German expert and a Japanese expert. Justice Mukherjee referred to them saying; "Certain remains are there. They were cremated in 1945. Would you conduct a DNA test to find out to which family he belonged?" No one can identify a person. Both the German and the Japanese experts said "no" to it. It is no use or not even worth a try because when a dead body is exposed to heat generated in a furnacedo not talk about the ashes because ashes have no quality-even bones, once they are charred-qualities required for conducting the DNA test-do not remain anywhere. After a lot or persuasion, the Japanese Government agreed. It said: "We shall ask the temple authorities if they would give it just to show it to the Japanese expert." He was already in Tokya. The temple authorities said: "No. Our religious custom foroids har:ding over of the last remains to any human being." Subsequently they have agreed after Justice Mukherjee Commission closed its hearing. The Japanese expert had said, "No. You are forcing me. But I know that nothing can be found from that "

Now, I refer to pages 22 to 31, Volume-I of the Report. Since the book is there. I would not like to waste the time of the House. The subject is regarding DNA test of that. He explained that he tried his best but nothing could be done in the matter. He was ready although the experts said nothing would be found. That is why, he has concluded that although the DNA Test was not done, he was completely satisfied that it was not Subhas Chandra Bose who died in an air crash because the air crash did not happen taking into view the Japanese doctor's evidence but he said that still he would conclude and come to this finding. I would just read the last sentence on Page 107 of the Report. I quote from the Report.

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"Considered in that backdrop, the inability of the Commission to subject the mortal remains to DNA test in the circumstances beyond its control has not stood in the way of recording its conclusive finding in that regard—a finding arrived at on the basis of robust circumstantial evidence on record."

He has given it. One can study it. I think the concluding part of Justice Mukherjee's Report is there from pages 100 to 107. I hope the Government would also definitely have studied it. They have nothing to say. ... (Interruptions)

MR. CHAIRMAN: Shri Bose, how much time would you take?

SHRI SUBRATA BOSE: I will conclude. I have nothing more to say. I have taken enough time.

Sir, there is one thing. I did not want to mention that. But while intervening when I was speaking last evening, the hon. Minister of Parliamentary Affairs referred to the differences within the family. You and the hon. Members may remember. Sir, that when I started talking I said; "Yes, I happen to be a member of the family, but that does not give me the sole right to represent Netaji Subhash Chandra Bose." He belongs to the nation and he belongs to the people of India. Today I am speaking here because I also again fortunately happen to be a Member of Parliament. But since he had mentioned that and I know that that will be a point which will be taken by him again, I have to mention this although I did not like to do so.

He was referring to Shrimati Krishna Bose, a former Member of this House. She wrote to the Government of India apart from making public her views. She wanted that irrespective of the Report the ashes should be brought. I would only like to inform the hon. Members that because Justice Mukherjee had a very open mind, he had requested both Shrimati Krishna Bose and her husband late Dr. Sisir Bose to appear before the Commission and tell what they know and what they believe. So, the Commission wated to hear all that.

Late Dr. Sisir Bose wrote to the Commission and said: "I have no facts or information on this matter. So I would like to be excused because I cannot be of any use

to the Commission". Then, naturally the Commission said that he had written that he has no facts.

When Shrimati Krishna Bose was invited, she also wrote back and said: "I have no facts or information on Subhas Chandra Bose's death. I was a mere child then in 1945 when he is supposed to have met his end, but I believe that he died in the air crash and the ashes are there because my husband late Dr. Sisir Bose believed that. So, she has no information or facts which she has said which is on record. The Government of India can find it in the records of Justice Mukherjee Commission which are all now in the custody of the Government. Therefore, her opinion today is not worthy of any consideration.

KUMARI MAMATA BANERJEE: But this is not a family matter.

SHRI SUBRATA BOSE: Sir, as I said, I am not saying the House will all agree with me when I say that he did not die in air crash or I agree with the findings of the Mukherjee Commission. It is for the House to decide and give its sense of views to the Government and then it is for the Government to consider that. But I thought I should mention that and so I did that.

So, I end by making certain accusations. First of all, I accuse the Government of India of deliberate suppression of facts and information from 1947 onwards till today.

Sir, I accuse the Government for destruction of files and for making files missing which contained relevant information, material information on Netaji Subhas Chandra Bose and his disappearance or, as the Government contends, his so-called death.

I accuse the Government of continued noncooperation with the Commission of Inquiry headed by Justice Mukherjee.

The Government stands accused not by me, not only in the docks of a court of law, but I think, it stands accused in the court of the people of India.

I demand that the Government withdraw the Action Taken Report, which they have submitted. I demand that the Government of India accepts the findings of the Justice Mukherjee Commission of Inquiry. This will be the SRAVANA 12, 1928 (SAKA)

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chance for the Government to amend itself, and amend the wilful misconduct of the Government over 59 years. I demand that the Government of India should inform immediately to the Government of Japan that it is not concerned with the so-called ashes kept in the Renkoii Temple in Japan. I also demand that the Government of India immediately withdraws the financial assistance which they are giving to the Japanese Temple authorities for maintenance of Renkoii Temple.

Here also, I just mention how the Government has been playing sly in the matter. The Renkoji Temple evidently sought for assistace saying 'that we are keeping Netaji Subhash Chandra Bose's ashes for you, so you should financially assist us. Temple does not have the money'. Our Finance objected to it saying 'that Netaji's death is in doubt. Whose ashes are these?' They are in doubt. How can you give money? But you can give under general head, that is, Discretionary Financial Head, which the Ambassador has. Pay the money as if you are just donating to a Temple. That is how they are paying the money. Officially, they cannot acknowledge that it is the ashes of Netaji.

The files say otherwise. So, let that be withdrawn. Let the Government now take the right stand which the people of India expect of them. Whatever mistakes they have done over the years, I think, people of India are always gracious to condone and forgive. But if the Government does not act. I think, the people of India will not forgive them for showing disrespect to Netaji Subhas Chandra Bose and for spreading false things, false news about Netaii Subhas Chandra Bose. I have done.

SHRI SHIVRAJ V. PATIL: Sir, this will be an opportunity to us to get some information from the hon. Member and it will help us to come to correct conclusions.

He referred to the statement made by the former Prime Minister Morarii Desia saying that he did not believe in the findings given by the Committee and the Commission. Was it possbile for the Mukherjee Commission to refer to any document to which the reference was made by Morarji Desai and if no references to any document or any file was available and if it was not made available, which document could have been given by the Government?

SHRI SUBRATA BOSE: Sir, the hon. Minister of Home Affairs has raised a very important point. But is it the duty of Justice Mukheriee Commission to find out or is it the duty of the Government of India to find out how the Prime Minister made a statement in the House?

Sir, I will tell you. This was reported in the proceedings of the Parliament and this has been read out also. The Prime Minister, Morarii Desai was clear. He said that a new information had come to light which caused more serious doubts on the air crash story. I would like to say with my little experience in the State Assembly and in the Parliament; I do not have the experience like the hon. Home Minister or like many hon. Members present here. When the Prime Minister makes a statement, has he to refer to a file? I think, it is customary that when you are answering a Starred Question, there should be back up papers. The hon. Prime Minister does not speak without backup papers; no hon. Minister speaks without backup papers. Justice Mukherjee Commission requested the Government of India to give it back up papers on the basis of which the Prime Minister made the statement. It was hunted. Firstly, it was referred to the Ministry of External Affairs, I do not know why. Then it was referred to the Home Ministry, and then to PMO. It is for the House to believe or not; ultimately, PMO said: "There are no back up papers; the Prime Minister must have been speaking out of his mind." This was the reply that the Justice Mukherjee Commission got from PMO. I am told that Justice Mukherjee thought that PMO does not destroy the papers. Is the Prime Minister replying to a Starred Question without back up papers believable? You can say you have destroyed many files; you have had many files missing. But to allude that the Prime Minister was saying something from his own mind. I think, it is an insult to the Office of the Prime Minister if not the greatest insult to Shri Morariji Desia, who became the Prime Minister of India. I have nothing more to add. ...(Interruptions)

[Translation]

MR. CHAIRMAN: Many hon'ble Members are waiting for the Special Mention.

...(Interruptions)

[English]

SHRI PRABODH PANDA (Midnapore): Let me respond to the points raised by the hon. Minister here. I have got only two points to make. ...(Interruptions)

[Translation]

MR. CHAIRMAN: The clarification will be given in this regard when the Minister will reply.

...(Interruptions)

MR. CHAIRMAN: Today, the Hon'ble Minister is not making reply

... (Interruptions)

MR. CHAIRMAN: It was his point of information. presently reply is not being given.

..(Interruptions)

MR. CHAIRMAN, Pandaji, you are a senior Member

[English]

SHRI PRABODH PANDA: Just one minute. ... (Interruptions)

MR. CHAIRMAN: I will not allow a new type of debate.

...(Interruptions)

MR. CHAIRMAN: Nothing will go on record.

(Interruptions)*...

[Translation]

MR. CHAIRMAN: If the House agrees the present discussion will be taken up further.

[English]

MR. CHAIRMAN: Now, we will take up Special Mentions.

Shri Alemao Churchill, Please be brief.

*Not recorded

SHRI ALEMAO CHURCHILL (Marmugao): Chairman Sir, the hon. Supreme Court has banned the fishing by trawlers and canoes from 10-6-2006 to 15-8-2006 along the coastal belt. But, surprisingly, in Mulpi and Karwar, big trawlers and canoes with zero mesh pursenett are plying. Also, in Goa, big mechanized canoes with zero mesh pursenett are plying.

I would request that the Government may please take immediate necessary steps to stop this fishing against the ban of the Apex Court. Actually, the fishing community which is observing the ban is suffering.

[Translation]

SHRI HEMLAL MURMU (Rajmahal): Mr. Chairman. Sir, the operation of rail/express and passenger trains passing through Pakur railway station between Rampur Haat, West Bengal and Barhawa railway division has stopped since 11-07-2006 and it is on account of this that lakhs of people of this area are left cut off from the various parts of this country. These are the reasons that the people of that area are doing agitation there. The railway traffic have got affected due to the damage of the bridge falling between Rampur Haat and Satia. The most important thing is that the Vananchal Express the only express train that connect the capital of Jharkhand state Ranchi is not operating and it is on account of that the people are facing difficulties.

I would like to request the Government that it should start operation of trains on this railway division at the earliest.

[English]

SHRI RAVICHANDRAN SIPPIPARAI (Sivakasi): Mr. Chairman, Sir, in Malaysia, an automobile spares manufacturing company recruited 68 Indians. Out of whom. 31 are Tamilians and the rest are from West Bengal. They were recruited under an agreement that they would get 600 Singapore dollars a month but the company paid only 320 dollars a month since recruitment. When they demanded, the company made a complaint to police and all these people were put behind the bars. The West Bengal Government took steps to bring back the 37 Bengalis from Malaysia but the 31 Tamilians, who are fighting for their cause, are suffering even without food.

16.16 hrs.

DISCUSSION UNDER RULE 193

Report of Justice Mukherjee Commission of Inquiry regarding alleged disappearance of Netaji Subhash Chandra Bose

[English]

SHRI PRABODH PANDA (Midnapore) : Thank you, Mr. Chairman.

At the very outset, I must express that I feel proud to raise this matter, by way of a Short Duration Discussion under Rule 193. This matter is of national concern. The whole nation has strong emotions and sentiments in this regard.

I rise to initiate a discussion on the Report of Justice N.K. Mukherjee Commission of Inquiry regarding alleged disappearance of Netaji Subhash Chandra Bose, one of the most charismatic figures of our freedom movement, a great national hero of our freedom movement, and also on the memorandum of Action Taken by the Government on the Report.

Since Independence, three Commissions or Committees were set up. The Mukherjee Commission is the third one. There is no precedence in our country of setting up three Commissions or Committees on the same issue. It is quite natural that it shows the great importance attached to this issue. The issue is about the alleged death of Netaji Subhash Chandra Bose in a plane crash at Taihaku Airport in Farmosa, which is familiarly now known as Taiwan and that accident occurred – it is alleged – on the 18th August, 1945.

Netaji might be dead even before Independence or afterwards. But the whole nation is deeply eager to know and get apprised of the genuine information of his extreme consequences. Nobody can deny that our whole nation, irrespective of the party cadres, holds high respects, remembrance and admiration to the tallest figure, the outstanding figure of our freedom movement.

It is needless to mention here that he is regarded as the distinguished son of our great motherland who was endowed with a tremendous revolutionary zeal and who added a new dimension in the pale stream of our freedom movement. Not just that; beyond the frontier of our country, he set off and formed the Azad Hind Movement; with high admiration, we can recall the memory of Azad Hind Movement, the formation of Indian National Army which greatly shook the foundation of the British imperialist forces at that time. That left an indelible mark on the nation.

Sir, the point is that the controversy over the death of such a great patriot surfaced since 1945, just after the announcement was made from the Tokyo Radio on 23rd August, 1945. The announcement was, 'that Netaji Subhash Chandra Bose had died in a plane crash on 18th August, 1945.' There was a controversy on that report. As that report was full of controversies and could not be relied upon, under strong popular demand from different parts of our country, it was decided to conduct a proper inquiry to know the correct information about the alleged death of Netaji in a plane crash.

It is revealed from the records that the then Prime Minister of our country, Pandit Jawahar Lai Nehru declared on the floor of the Parliament on 5th March. 1952 that the report submitted to him by Shri S.A. Aiyer, the former Information and Broadcasting Minister of Provisional Government of Azad Hind had to be taken as authentic. What is said in that report? Shri S.A. Aiyer said in his report that during his visit to Japan in 1951 he went to Renkoji Temple and met the priest Muchizuki. Muchizuki, the Priest of Renkoji Temple stated in his letter dated November 25, 1953 to the then Prime Minister, Pandit Jawahar Lai Nehru that the persons who had brought the alleged ashes to the temple in 1945 were strangers to him and they never met him after that.

Not only that, it would not be out of place to mention here that Shri Aiyer in his book, "Unto Him A Witness", which was submitted to Khosla Commission, categorically stated that it was he who drafted the Domei dispatch on the basis of which Reuters circulated the alleged death J.

news. Aiyer further stated in this connection that without visiting the alleged spot of the alleged crash and without meeting Habibur Rehman, a comrade, a co-passenger of Netaji Subhash Chandra Bose, he had drafted the dispatch on the basis of what he heard from some Japanese officers. So, based on the report of the Japanese officer, he drafted the report. It could not satisfy the Members of the Parliament and the people of the time. So, under the leadership of Pandit Nehru, Shah Nawaz Committee was set upto conduct an inquiry over the death of Netaji Subhash Chandra Bose in a plane crash.

The Committee produced a report but it was not adopted unanimously. Out of three members of that Committee, one important member happened to be the elder brother of great Netaji Subhash Chandra Bose. His name was Shri Suresh Chandra Bose. He submitted a dissent note. Since that report was not unanimous, the controversy remained. It was not removed.

Again another one man Commission was set up, namely, Khosla Commission and its report came on 11.07.1970. The observation and findings of both the Commission and the Committee were that Netaji succumbed to his injuries sustained in a plane crash at Taihoku and that the ashes had been taken to Tokyo. But these findings were not satisfactory. Therefore, the controversy still remained. It could not be removed.

Then, one writ petition was filed before the High Court of Calcutta. The Division Bench of Calcutta High Court directed the Union Government on 30th April, 1998 to launch a vigorous inquiry on the same subject. It was followed by a unanimous resolution adopted by West Bengal Assembly on December 24, 1998. So after that the Government of India appointed one more Commission under Justice Mukherjee Commission. What was assigned to the Mukherjee Commission? It was asked to conduct the inquiry on five aspects — (i) whether Netaji Subhash Chandra Bose is dead or alive; (ii) whether he died in a plane crash as alleged; (iii) whether the ashes kept in Renkoji Temple of Japan are the ashes of Netaji; (iv) whether he died in any other manner and if so what is

the place and when did he die; and (v) if he is alive, then what is his whereabout? So, this Mukherjee Commission was asked to give the report as soon as possible within six months but it was not possible as it was time consuming. So, they had to work hard for not less than six years and it submitted the report. After that the Government of India tabled the Memorandum of Action on the report on 17th May, 2006.

It was said that the Government would table a memorandum on the Action Taken on the Report within six months of the submission of the Report. But the Government was unable to do so. A number of reasons and explanations were given for this. All these explanations given were technical in nature. What were the explanations given? The explanations given, for delay in tabling of the Memorandum of Action Taken on the Report was that there was a lot of time consumed for translation and printing and also for consideration of the Report by the Government, its approval by the Cabinet and lastly it was said that Parliament was adjourned. Now, today we have to believe that due to constraints of printing and translation, the Government was unable to table the memorandum of Action Taken on the Report of the Commission. All these reasons, it seems, are shallow and the fact is that the Government did not take this seriously. They had taken the matter casually and had delayed the tabling of the Memorandum of Action Taken on the Report.

Sir, the Government responded on only two points of the Report of the Commission. The first point was that Netaji did not die in a plane crash. The Mukherjee Commission, out of the five points that they were to investigate on, had investigated on four points and one point was left out. The point that the Commission did not investigate on was how and in what manner Netaji died. The Commission had investigated on the other four points and gave their Report. The Commission came to the conclusion that Netaji was no more living and that he was dead. They also had contented that his death was not owing to any plane crash. Therefore, the story made out that he died in a plane crash is not credible. There was no sufficient ground to believe that. The Commission had

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narrated several instances in the Report and has concluded that this story about his death owing to a plane crash was a concocted and a manufactured story. The Commission even quoted a well-known journalist, belonging to INTUC, of that time. He has written a book and the Commission quoted from that book also.

The second issue on which the Commission has commented on is a very sensitive issue and that is about the ashes, supposedly to be that of the late Netaji, that were kept in the Renkoji temple in Japan. The Commission has contended that it was not of the late Netaji but was one of the late Okahara Ichiro. All these information are there in the Report.

But I am sorry to say that in spite of the hard work, in spite of their findings, the Government of the day is not in a position to believe it and not in a position to agree with the Report submitted by the Commission. They are not only denying the Report submitted by the Commission itself but they are also denying the observation of the then Prime Minister in 1978. The then Prime Minister of India, Shri Morarji Desai, while replying in this House itself made the following statement on 28th August, 1978. I would quote from his statement:

"There have been two inquiries into the report of the death of Netaji Subhash Chandra Bose in the air crash on 18th August, 1945 at Taihoku airfield during his air journey to Manchuria, one by the Committee presided over by Major General Shah Nawaz Khan and the second by a one-man Committee of Inquiry headed by Shri G.D. Khosla, a retired judge of the Punjab High Court. The majority Report of the first Committee and Shri Khosla held the Report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed. Some further temporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it

difficult to accept that the earlier conclusions are decisive."

This statement was made by no other person than the then Prime Minister in this august House. But the Government of the day are also denying the observations and findings of the Mukherjee Commission. Not only are they denying the Report of the Mukherjee Commission but they are also denying the observations and demands of the Prime Minister who had made this statement in this august House.

My point is, all these have created nothing but confusion. Mystery was not solved but more confusion was created, confusion regarding his death, confusion regarding the plane crash, confusion regarding the ashes stored in the Rankoji Temple. We are ashamed that in spite of all these, we are paying homage to Netaji Subhash Chandra Bose since Independence at the Japanese temple. We should be ashamed for that. It is not a very ordinary issue. It is not only this question but there are other questions involved in this issue.

The Commission has made some serious remarks in regard to the attitude shown by the Government towards the Commission. They are very serious. The subject of inquiry is on the death of Netaji Subhash Chandra Bose.

But what was the attitude of the Government officers towards the Inquiry Commission? In the Report of the Commission, a remark has been made that some files and documents had not been produced by the Government of India in spite of repeated reminders. In spite of repeated reminders the Government officials did not produce the files and documents to the Commission. This is a serious allegation. Secondly, file was not available as it has been destroyed. This is a separate thing. The Government should reply and respond to these allegations.

They have just come to the conclusion that they did not agree with the Report of the Commission. They did not give any reason or explanation as to why they did not agree with the findings of the Commission. There is only one page of White Paper.



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Sir, through you, I want to draw the attention of the Government, the whole House and of the nation to this issue. This is not an ordinary issue. This is about no other than Netaji Subhash Chandra Bose. He was one of the topmost and charismatic figures of our freedom movement. No one can deny his passionate patriotism and his national fervour. Posterity will ever remember him with reverence. No one can remove this reverence of our nation to him.

I know that it is very difficult to find out genuine information about his death. But how did the Government come to the conclusion that the Report and the findings of this Commission is not agreeable? So, the present Report of the Commission, the stand of this Government; the stand of the then Prime Minister, Shri Morarji Desai; the reports about Renkoji Temple and his ashes, have all created a lot of confusion. The mystery has not been solved, but it remained.

I appeal, as this is the case of Netaji Subhash Chandra Bose, we should be serious. We should not take the matter in a casual manner. Netaji Subhash Chandra Bose distinguished himself with his passionate patriotic zeal and revolutionary zeal. He formed the Azad Hind Government beyond the frontier of our country. It is known to all of us that he distinguished himself. We all adopted the slogan "Jai Hind". That slogan was given by Netaji himself.

I do not know whether this Government will appoint a new Commission or not. It is upto them. The Government should declare Netaji Subhash Chandra Bose as the national martyr. We should pay our highest respect and homage to him, not in a casual manner and not in an apathetic manner as it is shown today.

With these words I initiate the discussion. The hon. Home Minister, Shri Shivraj V. Patil, is present in this august House. Shri Priya Ranjan Dasmunsi, whom I respect a lot, is also now present in the House. Our senior colleagues are also present here. I am not blaming them. I am not standing here to blame them. I am just raising the matter for discussion so that we can give proper emphasis and

we discharge our responsibility in this regard as much as we can.

Sir, with these few words, I conclude my speech. Jai Hind!

SHRI SUBRATA BOSE (Barasat): Mr. Chairman, Sir I thank you very much for giving me this opportunity to speak on this motion moved under Rule 193.

Sir, at the outset, I would like to point out to you and all the hon. Members that this is a 60 years old matter. If one has to understand the issue properly, one has to tell the tale of the last 60 years. In all humility, before I begin, I crave the indulgence of you, Mr. Chairman, Sir, the hon. Minister of Home Affairs, the hon. Minister of Parliamentary Affairs and the hon. Members to speak at length on this subject. I shall certainly not repeat what my previous speaker, the hon. Shri Prabodh Panda, has said. I thank him for initiating this discussion. But I will have to give a little background.

When in the first week of August, 1945 the Second World War in the Asian Theatre came to a close after atom bomb were hurled over Nagasaki and Hirosimha in Japan resulting in the surrender of Japan, Netaji's Azad Hind Fauz had also to accept defeat. There were two alternatives before Netaji Subhash Chandra Bose at that time. There were two alternative courses of action. One was to surrender to the Anglo-American Forces, and the second was to go to another country, seek asylum and continue to involve himself in the struggle for the freedom of our country. Since surrender was not in his nature, he chose the second alternative. While retreating, when he arrived in Bangkok, he told his associates that he has decided to go to the then Soviet Russia.

He also informed them that the Japanese Government agreed to help him to go to Russia. But Russia had also declared war against Japan just after the atom bomb was hurled. So, Japan could not guarantee to take him to Russia. But they offered to take him to Manchuria in North China.

The hon. Members would certainly recall that although China was under the reign of General Chiang-Kai-Shek, Discussion Under

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at that time officially, Manchuria was virtually – even then in 1945 – under the control of Communist China, under the leadership of Mao Tse Tung. So, he agreed and said: "Yes, you reach me up to Manchuria and then I shall make my way to Russia, on my own." He took a great risk. But that was his life. How many times did he take risks for the freedom battle? He escaped from Kolkata during the war, went to Germany traversing throughout North of India, Afghanistan, Soviet Russia and then to Germany. Any day, he could have been captured. Anywhere he could have been captured and that would have been the end of it. He did not bother.

Again, when the World War came to the Asian Theatre, he took the risk of coming from Germany to East Asia in a submarine where any time, any moment, he would have lost his life. But he took the risk. That was his nature. That was his life. He took the risk. From Bangkok, when he left on his way to Russia, he took six of his associates with him including Col. Habibur Rehman who, in this episode about the alleged air crash, in Taihuku in Taiwan, was the main evidence giver, supporting the theory of death by air accident of Netaji. Out of the six persons five are no more. But there is one survivor who is Col. Pretam Singh of the INA who is still alive, He lives near Dehradun. He appeared before the Mukherjee Commission of Inquiry to confirm to the Commission that Netaji was going to Russia. Japan told them after the plane reached Saigon, they could not accommodate all the Indians including Netaji in one plane. Netaji had to choose one out of those companions and the others would later be taken to Manchuria to join Netaji. The second part never happened. Netaji chose Col. Habibur Rehman

From the Japanese Government document, it has been found that there is confirmation that Japan agreed to take him to Russia. It is not only that. There was also an escape plan. So, the plan included that as he left Saigon, Japan would announce that he had died in an air crash.

That was in the plan which has been found in the records of the Japanese Government. But the Japanese Government subsequently mentioned that what was

planned unfortunately happened and Netaji actually died in an air crash.

Shri Prabodh Panda has already described how the news was given out by the Government of Japan. According to the Japanese Government, the accident occurred on 18th August, 1945. It took them five days to deliberate and then announce to the world in a cryptic one line that Subhas Chandra Bose had died in an air crash. They did not mention the site on 18th August, 1945. It was later revealed and very intelligently Mr. S.A. Iver, about whom Shri Prabodh Panda had already mentioned, was asked to draft a communique under their dictation, although I must say that Mr. S.A. Iyer himself has admitted that he was left at Bangkok and he was not one of those associates who was with Netaji after Bangkok. Suddenly he got a message, a very confidential message that Subhas Chandra Bose had died in an air crash in Taiwan and a plane is ready to take him to Taiwan to see his body and be present at the cremation so that he can be a witness.

When he got into the plane, he was under the impression that he was going to Taiwan, but the plane took him to Tokyo. Under the dictates of the Japanese Government, he drafted that communique which was released not by the Japanese Government through their own news agency, but through a private news agency, the DOMEI News Agency. It was picked up by Reuters and Reuters circulated it all over India. In those days, television was not there, the radio also was not that popular and we, in India, read it in the newspaper on 24 August, 1945 morning that shocking news that Subhash Chandra Bose had died in an air crash on 18th August, 1945. The people were stunned. Naturally, any news of this kind would shock the people of India.

What was Mahatma Gandhi's reaction? My father, late Sarat Chandra Bose was still then in prison. At least, the senior hon. Members of this House would know that he was the closest associate of Netaji both in his private life as well as political life. But his elder brother, the eldest of the sons, Shri Satish Chandra Bose was there. Mahatma Gandhi sent him a telegram. Mahatma Gandhi had always

been cryptic. His message was, 'don't perform 'Sradh'. That was the beginning of the doubt.

The British and the American intelligence agents were naturally following Subhas Chandra Bose. This accident was supposed to have occurred in 1945, on 18th August.

17.00 hrs.

On 25th October, 1945, there was a meeting of the British Cabinet in London, which was presided over by the then Prime Minister, Clement Atlee. After the elections, Winston Churchill's Conservative Party lost and the Labour Party came into power, just a little more than two months after the so-called aircrash. This is available from a very authoritative book, 'The Transfer of Power', published by the British Government, giving the details of how India gained independence or according to the British how India was granted independence.

This 'Transfer of Power' Volume VI published from Her Majesty's Stationery Service, London, refers to the Minutes and Resolutions of a Cabinet meeting presided over by Prime Minister Atlee, held on 25th October 1945. The Resolution branded Netaji as the only civilian renegade of importance. That is how they described Netaji Subhas Chandra Bose. It is not a surprise, Sir. Then, the Cabinet dwelt on the method of how to try him. The question before the Cabinet was whether he should be arrested and tried, where he is arrested or whether he should be arrested and brought to India and tried in India. That is what they wanted to discuss.

In the meantime, the British India Government sent a third proposition to them. The British India Government suggested that the Cabinet must remember the consequences of trying him. In this context, they put forward a proposal in one of the internal correspondences, which was dated 23rd August, 1945, 'leave him, where he is and do not ask for his surrender'. The British India Government, in August 1945, sent this proposal to the British Government.

The Cabinet, at its meeting on 25th October, 1945, decided, the only civilian renegade of importance, Subhas

Chandra Bose, that it would be better to leave him where he is. So, the British Government even in August 1945 knew that Subhas Chandra Bose was not dead. It is not from any individual, but from the British Government itself.

In the meantime, Habib-ur-Rehman, who claimed to have seen Netaji being wounded, whole body in fire, coming down from the plane, which crashed, at Taihoku, tried with his hands to put off the fire but failed. He also claimed that he was there when he was taken to a hospital in Taipei, the capital of Taiwan.

He also claimed that he was a witness to his death He came back to India, was under arrest first, and then he was released subsequently. In 1946, in the month of August, just one year after that alleged air accident, Col. Habibur Rahman came to our residence in Kolkata, met my father, late Shri Sarat Chandra Bose. They had" a discussion for about 21/2 hours. After that discussion, Sharat Chandra Bose came out and said: "Habibur is not speaking the truth." Then, Habibur Rahman sent over to Delhi to meet Mahatmaji, the Father of the Nation, as Netaji called him. I still remember as a child hearing over the radio: "Father of the Nation, I seek your blessings in this holy war for Independence of our great country." He (Rehman) met Father of the Nation. Naturally, the representatives of the media asked him: "What has Habibur Rahman told you?" Once again, in a cryptic message to his countrymen, Mahatmaji said: "Habibur told me what his leader has ordered him to say." I leave it to the hon. Members' interpretation as to what Gandhiji meant. That doubt about Netaji's death was there. But the doubt about Netaji's death also vanished in time.

MR. CHAIRMAN: Shri Bose, you have taken about 25 minutes. Kindly be brief. *

SHRI SUBRATA BOSE: I cannot be brief. I seek the indulgence of the House. If not now, I will continue tomorrow.

[Translation]

SHRI ANANT GANGARAM GEETE (Ratnagiri): Please let him speak, I have no objection. . . . (Interruptions)

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I am only requesting him.

MR. CHAIRMAN: I am not a barring him.

(Interruptions)

[English]

MR. CHAIRMAN: Shri Bose, I am requesting you. You have taken about 25 minutes. Kindly be brief.

SHRI SUBRATA BOSE: The interim Government had taken over in 1946. Then, the Parliament was not there; the Central Legislative Assembly and the Central Legislative Council were there. Shri Patel, on behalf of the interim Government stated on the 30th of October, 1946 in reply to a question of Shri Mangal Singh on Netaji's alleged death that the Government was not in a position to make any authoritative statement on whether Netaji was dead or alive. Again, on 7th November, 1946, in an answer to a question in the House put by Yuvraj Datta Singh, Mr. A.E. Porter replied on behalf of the Government of India.

The reply says: "The Government is not in a position to make .an authoritative statement on this question." So, it is not that after 60 years doubts have arisen. Doubts started from 1945 or from 1946. Then, we became independent, and our Government took over. So, doubts went on. It was not only the then Prime Minister who doubted the news of the death of Netaji in August, 1945 but there were many others.

In the last Budget Session, I had the opportunity to mention one thing. Yes, I happen to be a member of this family but Netaji does not belong to our family only. I am proud that I happen to be a Member of this august House. I speak not only on behalf of the family but also I speak as a Member of this august House, and I am proud to have this opportunity which I have now.

Questions were asked, continued to be asked by people everywhere and by our Legislators. The Parliament still had not come into operation. It came in 1952. Naturally, questions were faced by the then Prime Minister, the most revered Pandit Jawaharlal Nehru. In 1951, Pandit Jawaharlal Nehru thought that he must make a statement

on this issue. He decided that he would make a statement in the Assembly itself. The then Prime Minister was also the Minister of External Affairs. He gave a notice.

Sir, I must say that I will be quoting a lot of notes from the Government files. It is not that I obtained them surreptitiously. I filed an affidavit before the Mukherjee Commission of Inquiry, and I became a deponent. So, by being a deponent, I acquired the right of attending all hearings, cross-examined the witnesses either by myself or by my lawyers, and also had an access to all documents which were received by the Mukherjee Commission of Inquiry mostly from the Government of India, from different Ministries - very few from the Government of West Bengal and some from private individuals. They were made exhibits. So, they became public documents. As a deponent before the Commission, I could obtain the certified copies of them. In the normal course, the most respected Patilji would know more about this than myself. He is a lawyer. We pay a fee and obtain certified copies.

The then Prime Minister gave a notice. That was on 26th September 1951. The Prime Minister writes in a note, and I quote:

"It is for us to consider whether we should issue a public statement about this or not. . ." That means, Netaji's alleged death.

"...In the balance, I am inclined to think that it would be desirable to issue some statement or to make it in Parliament. On the other hand, this may lead to some controversy, possibly even with Shri Subhas Chandra Bose's family. I think, the best course would be, for us, to draft some such statement and to send it to Shri Subhas Chandra Bose's family. After hearing from them, we could take a final decision about publication."

Most deferentially, the then Foreign Secretary submitted a note to the Prime Minister. Prime Minister's note was dated 26.9.1951, and the then Foreign Secretary's note was dated 27.9.1951. I quote what the then Foreign Secretary submitted to the PM:

"I told PM that it would be inadvisable for him to make a statement now. Whether or not Shri Subhas Bose is dead is not a live issue at the present. I may not have any doubt on the evidence that Shri Bose is dead, but PM's political opponent would utilise any statement made by him for propaganda purposes, particularly, in view of the forthcoming elections. I added that there is a significance reference in Habibur Rehman's statement to Netaji Bose's intention to get out of the plane at Tairan and to the intention of the Japanese Authority to let him cross over to the Russian held territory. Habibur Rehman is the really important evidence and those who still cherish the belief that Netaji Bose is alive and is somewhere in Russian held territory, will seize upon any piece of evidence in support of their theory. I also pointed out to PM that whereas according to Habibur Rehman, the dead body was cremated on the 20th August, 1945, according to the Municipal Certificate, the cremation took place at 6 p.m. on the 22nd August, 1945. One could understand a fictitious name being used in the Death Certificate, and in the Cremation Certificate. . . "

Sir, a Death Certificate was issued in the name one Ichiro Oknra. It was meant to be, according to the Japanese, the Death Certificate and Cremation Certificate of Netaja Subhas Chandra Bose. He refers to that.

I quote, further:

". . . According to the Municipal Certificate, the cremation took place at 6 p.m. on 22nd August and not on 20th August as Habibur Rehman has said. One could understand a fictitious name being used in the Death Certificate and in the Cremation Certificate. But there was no necessity of using a fictitious date of cremation."

That is what he says. So, he advises the PM, in his own opinion, that it would not be perhaps correct to issue a statement.

This was the beginning of many such similar notes put up by the officers of the Government to the Cabinet or to the Minister to ponder upon. I am saying that this was contrary to the Government's stance that Neraji had died in the plane crash. Although I was mentioning again and again 60 years, I must skip some years because otherwise I shall never finish.

Since the doubts were there, actually in December 1955, the Government constituted a Committee of Inquiry. Mr. Panda had referred to it. It is interesting to note this. Of the three Members of the Committee, the Chairman, Mr. Shahnawaz Khan was then the Parliamentary Secretary to the Government of India. In those days, there was a provision that they were like the Ministers of State or Deputy Ministers. The second member was Mr. S.N. Maitra, an ICS officer, and the third member, as the hon Member has said, was one of the elder brothers of Netaji, Shri Suresh Chandra Bose.

The Committee did not go to Taiwan because of problems. In those days, I think the problem was more acute than what it is today. Just a few years before that, we had recognised the People's Republic of China, and Chiang Kai Shek had moved over to Taiwan. Since the People's Republic of China was recognised by us, we had no diplomatic relations any more with the Taiwan Government. We never had. We still do not have. But the Committee, inquiring and investigating into an accident, could not visit the site of the accident. The accident site was not visited. What happens? Unfortunately, we hear train accidents and plane accidents. The first investigation is done at the site. They could not do it.

It went to Japan. The Japanese Government put forward certain lists of witnesses. All were Japanese people. They had also furnished to the Inquiry Committee, through the Government of India, a list of witnesses in Taiwan. Since the Committee could not go to Taiwan, the Government of India requested the U.K. Government to obtain a report from the Taiwanese Government on the accident and on the availability of witnesses living in Taiwan, who had witnessed the air crash or who had been in the hospital or who could give material evidence to the fact of the air accident as well as the date of treatment of Netaji in the Taipei hospital. Taiwan Government sent a report through the U.K. Government.

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[Shri Subrata Bose]

According to the Taiwan Government sources, as they told to Justice Mukherjee when he went to Taiwan, they could not find trace of any of the witnesses whose names were given. That report was received by the Government of India before the Shahnawaz Inquiry Committee completed its deliberations. That way, the fact of receipt of a report from Taiwan Government was never disclosed by the Government of India. This information came to the Mukherjee Commission of Inquiry from the papers of the U.K. Government, The U.K. Government files contained a note by an official of the British High Commission that the original report of the Taiwan Government has been handed over to the Ministry of External Affairs of the Government of India and the date as was given is a date when the Shahanawaz Committee of Inquiry was still functioning. This report never saw the light of the day. It was not given to the Shahanawaz Committee of Inquiry, it was not given to the Khosla Commission of Inquiry, it was not given to the Mukherjee Commission of Inquiry.

The Mukherjee Commission of Inquiry found a file of 1956. The file number was there. The title of the file was –Death of S.C. Bose. It was a Government of India's file. The Mukherjee Commission of Inquiry thought that that report must be in that file. They called for the file from the Government of India. The Government of India told them that the file had been destroyed.

Sir, that is the beginning of a sad tale of suppression of facts and information by our Government, by the Government of free India, in respect of Netaji Subhas Chandra Bose, and destruction and reported missing of files. The Mukherjee Commission of Inquiry relentlessly asked for the file. An important document like the Taiwan Government's report was not there. This is a very sad tale of suppression of facts, suppression of information, destruction of material files, destruction of relevant files and missing of relevant files. You go through these. If the hon. Members go through these, if they have the patience to go through volumes 2-A and 2-B of the report, you will only find how the Mukherjee Commission of Inquiry failed to get the files from the Government of India.

It was said, perhaps hinted, that the Taiwan Government, suddenly after 60 years, they have given a concocted report as if they could be influenced by the Mukherjee Commission of Inquiry.

That just did not happen. It was not so. In 1956, the first report of the Taiwan Government had come and this was suppressed. I wonder. No, I think, it would be wrong for me to say that. So, I will not say. After all, I am speaking in the Parliament. I must restrain myself. I am not addressing a public meeting. This is the beginning, I say, from the Government of free India. With respect to the first evidence that we had found, from 1956, there has been a continued, not an effort, but intention to destroy files, get files missed so that the truth does not come out.

MR. CHAIRMAN: Shri Bose, you may kindly tell how much more time you will take. I am not barring you.

SHRI SUBRATA BOSE: Sir, after 60 years, this matter of Netaji Subhas Chandra Bose is being discussed in Parliament. Most humbly, I would submit to you and also to the hon. Minister. . . . (Interruptions)

SHRI BIKRAM KESHARI DEO (Kalahandi) : Sir. please let him continue. . . .(Interruptions)

MR. CHAIRMAN : Kindly be as brief as you can. I am not barring you.

SHRI SUBRATA BOSE: I think, I will have to continue till tomorrow. . . .(Interruptions) I have to crave the indulgence of the House. I do not know if I am boring them. . . .(Interruptions)

MR. CHAIRMAN: We have to take other business also because time allotted for this discussion is two hours only. You have taken 55 minutes by now. I am not barring you. I am requesting you.

SHRI MOHAN SINGH (Deoria): Sir, let him continue tomorrow. . . . (Interruptions)

MR. CHAIRMAN: I am only requesting him.

(Interruptions)

[Translation]

SHRI ANANT GANGARAM GEETE: Sir, my request is that he should be allowed to put forth his point of view.

MR. CHAIRMAN: I am not barring them. I am just requesting him to put forth his point of view in a nutshell.

(Interruptions)

[English]

MR. CHAIRMAN: I am only requesting him.

SHRI SUBRATA BOSE : Sir, it is upto you. Whenever you tell me to stop, I will stop.

The Inquiry Committee was divided. Shri Shah Nawaz Khan and Shri S.N. Moitro held the view that Netaji died in the air crash, but the other Member, Shri Suresh Chandra Bose, did not agree with them. He cited certain facts.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): Sir, I just request you that the debate can continue for as many hours as the Speaker will decide. The Government has no objection. The only thing is that I seek the indulgence of the hon. Member who is speaking that in the very said House the Reports of Khosla Commission and Shah Nawaz Commission have been debated from all sides and those are being quoted every now and then. Those are already in the possession of the House. If the hon. Members want to speak, they can take the help of those researched documents of the Parliamentary Library and the proceedings of the House. If the hon. Members repeat all that which has been stated by the earlier speakers in those debates and take time to elaborate those points. I think, the Session will have to continue upto 31st August, 2006 because it will take hours together to discuss those volumes. Therefore, I will humbly submit that since Shri Bose is very much knowledgeable on this matter from his point of view, he may take his time, but unless there is a decision as to how long the debate will continue, I cannot scale down other business of the Government and the other side in the House. That is my only submission.

MR. CHAIRMAN: I agree with you. So, I have requested him to be as brief as he can.

SHRI SUBRATA BOSE: Sir, I would again humbly submit to the hon. Minister that I have to mention certain facts. I am not reading whole of the Reports of the two Commissions of Inquiry. Quite a number of Japanese witnesses were there.

17.35 hrs.

[SHRI MOHAN SINGH in the Chair]

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Is it a fact that when the Report of the Shah Nawaz Commission was written initially, the third member agreed to accept the findings and later on, he changed his mind.

SHRI SUBRATA BOSE: I agree with the hon. Minister, Shri Shivraj V. Patil, but he had the right to change his mind.

SHRI SHIVRAJ V. PATIL: Is it a fact or not? This is all that I want to know from you.

SHRI SUBRATA BOSE: Certainly, this is a fact. As I said, you are very correct.

Three of the Japanese witnesses said that they were navigators of the plane. When they were asked where did the crew sit – in the front or at the back, each of them said that they did not know about it. Such witnesses were produced before the Shah Nawaz Committee. There was one witness who said: "We all got down from that plane in Taipei, and the plane took off with Netaji." This was his version, and it was for the Committee to either accept it or reject it.

I want to mention that the Government had every right to accept the majority view of the Committee, but the dissenting view of the third witness was not only rejected, but it was not even placed before the Parliament, I believe [Shri Subrata Bose]

that majority judgement will naturally be accepted when a bench, in a court of law, gives a dissenting judgement, but the dissenting judgement also goes on record. In this particular case, the Government ensured that it did not go on record.

The report of the Inquiry Committee was that the Government does accept the views of the Committee. The Prime Minister himself declared it as the majority view. But we find from the Government files – which were given to the Commission of Inquiry – that the Prime Minister himself had written letters differently to members of the family, after the Government had accepted the majority report or majority view of the Shah Nawaz Inquiry Committee.

Shri Suresh Chandra Bose was a Member of the Inquiry Committee, and he wrote a letter to the then Prime Minister in 1962, and the then Prime Minister replied to him on 13/05/1962. I would like to quote what the Prime Minister wrote in it. It states that:

"....You asked me to send you proof of death of Netaji Subhas Chandra Bose. I cannot send you any precise and direct proof. . ."

In 1964 another member of the family, my elder brother late Shri Amiya Nath Bose, wrote to the then Prime Minister. He was also a Member of this Parliament at one time. He wrote that: "Since there were still doubts in the minds of the people, I think that a Commission of Inquiry should be set up and it should be chaired by the Chief Justice of the Supreme Court."

The PM replied to him on 22nd April, 1964, about two weeks before his sad demise. What did he write to him? He wrote: "I agree with you that a proper inquiry should be held into the matter of Subhasji's death. But I do not think that the Chief Justice of Supreme Court would agree to chair such an inquiry." He was a very close associate of Netaji for many years, right from 1921. He had his own doubts, although as a Government it accepted the majority report of Shah Nawaz Committee. Pandit Nehru died, and the doubts went on. In 1970, the then Prime Minister, most

respected late Shrimati Indira Gandhi appointed a Commission of Inquiry with Justice G.D. Khosla as the Chairman. By appointment of a Commission of Inquiry, naturally, it can be interpreted but I do not know if the hon. Home Minister will agree with me, it virtually rejected the earlier Report of the Committee of Inquiry. It may be so or it may not be so. But the Commission also must have seen the papers of Netaji.

There is one difference between the Shah Nawaz Committee of Inquiry and the Khosla Commission of Inquiry. Justice Khosla naturally thought that he must go to Taihaku, and the Government made arrangements for his visit. But unfortunately, he did not meet the Taiwan Government officials. He said that in his Report. He did not or could not see the site of accident because that Taihaku Airport was no more in existence when Justice Khosla visited Taiwan after 1970. He did not visit the crematorium, but he writes that some people in the Hotel where he was staying pointed out to him that the hotel overlooks the place where Taihaku Airport was. That is what we saw also in Taiwan. As a deponent, I had the right to attend the hearings. So on my own, I had also gone to Taiwan. When Justice Mukherjee Commission had gone to Taiwan, we also went to see that place. We found the hotel, we found the Museum, we found residential houses, but the site of accident was no more there. He did not visit the crematorium either to obtain the cremation reports. He visited the hospital, but the hospital had changed hands and they told him that they had no more records of 1945.

Justice Khosla - rightly or wrongly, I may agree or I may not agree, you may agree - also concurred with the Shah Nawaz Committee's majority report that Netaji died in the accident. But again, if you go through the report you would find that he said that he did not really get proof of his death, that there is no proof or evidence of his being alive either, or he survived that air crash. Therefore, he would accept that theory that he died.

But a major change in the Government's stand came in 1978.

MR. CHAIRMAN: Mr. Bose, can I make a humble request? Only two hours were allotted for this discussion.

We have a time constraint. How long do you want to speak now?

SHRI SUBRATA BOSE : I think I will take some more time.

MR. CHAIRMAN: If you can confine your speech to Justice Mukherjee Commission of Enquiry.

(Interruptions)

SHRI SUBRATA BOSE: In all humility I submit that if the House would like to transact any other business now, give me an opportunity to continue tomorrow.

MR. CHAIRMAN: How much time do you want?

SHRI SUBRATA BOSE: I think at least an hour more.

MR. CHAIRMAN: It is very difficult.

SHRI SUBRATA BOSE: This is a matter which the people of the whole country want to know about in detail.

MR. CHAIRMAN: Of course, it is a matter of national importance. We do accept it. That is why a discussion was allowed on this topic. But confine your speech to the report of Justice Mukherjee Commission of Enquiry.

SHRI PRIYA RANJAN DASMUNSI: Sir, I would like to again make a submission. The hon: Member will also appreciate this. There are very distinguished and knowledgeable Members in this House to take part in this debate. They also have enormous volumes to present in the House. If this goes at this pace, as I said, it would not end even by 31st of October. The distinguished Member belongs to the family of Netaji. The family also has two different points of view but I would not like to join issue on that now. What I want to submit is that time to be allotted for these Short Duration Discussions is decided by the BAC. Since the hon. Member desires to stop now and continue tomorrow, let him do that. We could decide about the time tomorrow morning in the leaders meeting. We have no problem.

MR. CHAIRMAN: Could you continue tomorrow? We have some other business to be transacted.

SHRI SUBRATA BOSE: I do not mind doing that. As a Member of the House, I would also like to see that the House transacts other business, certainly. But, please allow me to continue tomorrow.

MR. CHAIRMAN: Yes, you can continue tomorrow. If you can conclude within five minutes, you can go on now.

SHRI SUBRATA BOSE: That is not possible, Sir. I will not be doing justice to a justiciable case.

MR. CHAIRMAN: But we have some difficulty. If you could sort out things and help us, it will be better. Or, please continue your speech tomorrow.

SHRI PRIYA RANJAN DASMUNSI: Sir, let him speak upto six o'clock and then continue tomorrow. The other items of business can be taken up at six o'clock.

MR. CHAIRMAN: Mr. Bose, please continue till six o'clock and then you can continue tomorrow.

SHRI SUBRATA BOSE : All right, Sir.

I was talking about the change in the approach of the Government which took place in 1978. I will be very brief on that. Hon. Member Shri Prabodh Panda has already mentioned it. He had quoted also from the then Prime Minister's speech in Parliament. That was the first occasion when the Government's approach or thinking on the subject underwent a change officially.

In this case, before I conclude, I would only mention that as far as the change is concerned, there has been another very important occasion when the Government admitted differently. I would skip that and come back again post-1978. What I would mention is that before Netaji Subhas Chandra Bose Birth Centenary is observed, to honour him the Government awarded Bharat Ratna posthumously. The Bharat Ratna became the subject matter of judicial action and the Government was asked by the hon. court that since it declared a posthumous award, it must submit to the court the proof that they have that Netaji is dead. Then, the Government changed its stand and its response was to withdraw or cancell the Bharat Ratna award. Not that it mattered to Netaji as to

[Shri Subrata Bose]

whether he was given a *Bharat Ratna* award or not. Then, it admitted that it has no proof that Netaji was dead. Later, the Government was preparing to celebrate the Netaji Birth Centenary. As I was talking of the change in the attitude, the approach of the Government, 1978 was the first instance; and the withdrawal or cancellation of *Bharat Ratna* award was the second instance when the Government admitted that it had no proof of Netaji death. I have completed the incident of 1978. I will come to 1999 when an inquiry was appointed. Hence, that by itself will take time, I would crave your indulgence this time not for an extension of time but allow me to complete seven minutes before six o'clock so that when I continue, I can start on a new chapter.

SHRI PRIYA RANJAN DASMUNSI: We have to make a statement. There was a direction from the hon. Speaker in the morning on the matter raised by the distinguished Member, Shri Mohan Singh. I was advised so, and I accordingly brought it to the notice of the hon. Petroleum Minister, who was kept busy with the Delegation. He was very kind to send me a statement immediately. I sought your permission so that MoS can read out the statement.

17.54 hrs.

STATEMENT BY MINISTER

Re: Gas Supply to the proposed Dadri Power Plants
of NTPC and Reliance Energy Limited

[English]

*THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI B.K. HANDIQUE): Sir, the attention of this august House has been drawn by the hon. Member of Parliament, Shri Mohan Singh regarding non-supply of gas for the two proposed power generation projects of NTPC and Reliance Energy Limited at Dadri in Uttar Pradesh.

The hon. Member has expressed anguish over delays caused by the Minister of Petroleum and Natural Gas in approving gas price/formula for supply of gas by Reliance Industries Limited (RIL) to the above mentioned two power projects of Uttar Pradesh. The gas price relates to the likely supplies of gas from the block KG-DWN-98/3 (also known as D-6 block) located in Krishna-Godavari deepwater off the coast of Andhra Pradesh which was awarded to the consortium of Reliance Industries Limited and Niko Resources Limited under the first round of New Exploration Licensing Policy (NELP).

It may be mentioned that NELP, which was formulated by the Government in 1997 and operationalised in 1999, provides for stable fiscal terms to the companies and *inter alia* freedom to the contractors to market oil and gas in India. This was an incentive offered under NELP to attract investment and technologies especially for more challenging areas such as deep waters. The Production Sharing Contract, PSC sets out in detail, rights and obligations of each party to the contract.

The specific issue raised with regard to the approval of the price formula by this Ministry relates to the proposal dated 14th April, 2006 received from RIL for approval of the formula for determining gas price for the purpose of computing cost petroleum, profit petroleum and royalty and for other purposes under the contract. RIL had sought approval for the formula as agreed between them and Reliance Natural Resources Limited, RNRL on 12.1.2006.

17.56 hrs.

[SHRI VARKALA RADHAKRISHNAN in the Chair]

The proposal was examined in accordance with the contract provisions. The provisions of the PSC provide for valuation of natural gas on the basis of competitive armslength sales and enjoin upon the contractor to sell all natural gas to the benefit of the parties to the contract. It may be mentioned that a significant share of the surplus generated under the PSC flows to the Government in the form of profit petroleum, royalty, etc. These have direct

^{*}Placed in Library. See No. L.T. 4557/2006.